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COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

10th COUNCIL INAUGURATED
JUNE, 1952

VOLUME LXVII

1955

FIFTH SESSION—FIRST MEETING
18th October, 1955, to 7th December, 1955

List of Members of the Legislative Council

President:

H.E. THE GOVERNOR, SIR EVELYN BARING, G.C.M.G., K.C.V.O.

Vice-President and Speaker:

MAJOR THE HON. F. W. CAVENDISH-BENTINCK, C.M.G., M.C.

Ministers:

- CHIEF SECRETARY (THE HON. R. G. TURNBULL, C.M.G.)
MINISTER FOR LEGAL AFFAIRS (THE HON. E. N. GRIFFITH-JONES, Q.C.)
MINISTER FOR FINANCE AND DEVELOPMENT (THE HON. E. A. VASEY, C.M.G.)
MINISTER FOR AFRICAN AFFAIRS (THE HON. E. H. WINDLEY, C.M.G.)
MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (THE HON. M. BLUNDELL, M.B.E.)
MINISTER FOR INTERNAL SECURITY AND DEFENCE (THE HON. J. W. CUSACK, O.B.E.)
MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (THE HON. W. B. HAVELOCK)
MINISTER FOR EDUCATION, LABOUR AND LANDS (THE HON. J. J. ADIE)
MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (THE HON. D. L. BLUNT, C.M.G.)
MINISTER FOR COMMERCE AND INDUSTRY (THE HON. A. HOPE-JONES)
MINISTER FOR WORKS (THE HON. I. E. NATHOO)
MINISTER FOR COMMUNITY DEVELOPMENT (THE HON. B. A. OHANGA)
EUROPEAN MINISTER WITHOUT PORTFOLIO (THE HON. L. R. MACONOCHE-WELWOOD)
ASIAN MINISTER WITHOUT PORTFOLIO (THE HON. A. B. PATEL, C.M.G.)
PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (THE HON. J. JEREMIAH)
PARLIAMENTARY SECRETARY TO THE MINISTER FOR COMMERCE AND INDUSTRY (THE HON. C. B. MADAN)
PARLIAMENTARY SECRETARY TO THE MINISTER FOR WORKS (THE HON. SHERIFF ABDULLA SALIM).

Nominated Members:

- THE HON. T. F. ANDERSON, O.B.E., M.D. (Director of Medical Services)
THE HON. D. W. CONROY, O.B.E., T.D. (Solicitor General)
† THE HON. A. J. WALKER, M.D. (Acting Director of Medical Services)
THE HON. M. H. COWIE (Director of the Royal National Parks)
CAPT. THE HON. C. W. A. G. HAMLEY, O.B.E., R.N. (RETD.)
THE HON. SHEIKH MBARAK ALI HINAWY, O.B.E.
THE HON. J. G. H. HOPKINS, O.B.E.
THE HON. S. D. KARVE, O.B.E., M.B., M.S.
THE HON. R. E. LUYT (Commissioner for Labour)
THE HON. K. W. S. MACKENZIE (Secretary to the Treasury)
THE HON. CHIEF JONATHAN NZIOKA (Wakamba Chief)
THE HON. I. OKWIRRY, M.B.E. (District Officer, Nyanza)
THE HON. SIR EBOO PIRBHAI, O.B.E.
THE HON. J. L. RIDDOCH, O.B.E.
THE HON. G. M. RODDAN (Director of Agriculture)
THE HON. G. A. TYSON, C.M.G.
THE HON. W. J. D. WADLEY (Director of Education)

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

European Elected Members:

*THE HON. M. BLUNDELL, M.B.E. (Rift Valley).
 GROUP CAPTAIN THE HON. L. R. BRIGGS (Mount Kenya).
 THE HON. S. V. COOKE (Coast).
 THE HON. W. E. CROSSKILL (Mau).
 LT.-COL. THE HON. S. G. GHERSIE, O.B.E. (Nairobi North).
 LT.-COL. THE HON. E. S. GROGAN, D.S.O. (Nairobi West).
 THE HON. N. F. HARRIS (Nairobi South).
 *THE HON. W. B. HAVELOCK (Kiambu).
 THE HON. R. C. J. LETCHER (Trans Nzoia).
 *THE HON. L. R. MACONICHIIE-WELWOOD (Usin Gishu).
 †LT.-COL. THE HON. F. J. MCCALL, C.B.E., M.C. (Trans Nzoia—Acting).
 THE HON. SIR CHARLES MARKHAM, Bt. (Ukamba).
 THE HON. MRS. A. R. SHAW (Nyanza).
 THE HON. H. SLADE (Aberdare).
 THE HON. C. G. USHER, M.C. (Mombasa).

Asian Elected Members:

Central Electoral Area: East Electoral Area:
 *THE HON. C. B. MADAN. THE HON. S. G. HASSAN, M.B.E.
 THE HON. CHAMAN SINGH.
 Eastern Electoral Area: West Electoral Area:
 *THE HON. A. B. PATEL, C.M.G. *THE HON. I. E. NATHOO.
 Western Electoral Area:
 THE HON. J. S. PATEL.

Arab Elected Member:

THE HON. SHEIKH MAIFOOD S. MACKAWI

Representative Members:

African: Arab:
 THE HON. W. W. W. AWORI. *THE HON. SHERIFF ABDULLA SALIM.
 THE HON. M. GIKONYO.
 *THE HON. J. JEREMIAH.
 THE HON. E. W. MATHIU.
 THE HON. D. T. ARAP MOI.
 *THE HON. B. A. OHANGA

Clerk of the Council:

A. W. PURVIS

Clerk Assistant:

H. THOMAS

Reporters:

MISS S. I. WESTCOTT.
 MISS S. E. FARDELL.

Editor:

MRS. E. TUNSTALL.

* Also included in list of Ministers.
 † Temporary Members.



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

TENTH COUNCIL

FIFTH SESSION—FIRST MEETING

Tuesday, 18th October, 1955

PRAYERS

PROCLAMATION

ADMINISTRATION OF OATH

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

Mr. D. W. CONROY, O.B.E., T.D.
 Mr. D. T. ARAP MOI.
 Chief Jonathan Nzioku.
 Dr. A. J. WALKER.

MOTION

SUSPENSION OF BUSINESS

THE CHIEF SECRETARY (Mr. Turnbull): I beg to move that Council do now suspend business to await the arrival of the Governor.

Mr. HARRIS (Nairobi South) seconded. Question proposed.

The question was put and carried.

Council suspended business at forty minutes past Two o'clock and resumed at fifty minutes past Two o'clock.

[His Excellency arrived and took the Chair]

COMMUNICATION FROM THE CHAIR

HIS EXCELLENCY THE GOVERNOR: Mr. Speaker, Honourable Members of the Legislative Council, when I opened the Session last year there had been an improvement in the security situation. Since then the pace of that improvement has increased and during the last three or four months has increased greatly.

It has shown itself in many ways. But I will pick out three to mention to Honourable Members.

The first is the break-up of big gangs capable of taking offensive action and their replacement by small groups striving during the last few months to do no more than keep themselves alive. The second is the changed position of the Mau Mau gang leaders. Last year Mau Mau casualties were heavy but seldom included leaders. The importance of those leaders was clearly shown during the surrender talks. It was the leaders who decided against surrender and yet there was strong evidence to show that many of their followers were only too anxious to bring the struggle to an end. During the last three or four months a considerable number of gang leaders of varying degrees of importance, including a number of prominent gangsters, have been either killed or captured or have of their own initiative surrendered. The reason is this. In the past the leaders remained in the forest sending the rank and file to search for food. Now many of the leaders have themselves to come on to farms or into the Kikuyu Land Unit to forage for food.

Thirdly, there is the great improvement in the situation in most, though not in all, of the Kikuyu Land Unit. There can be little doubt that a gang is most strongly placed when living in the fringe of the forest based on the location from which its members came. Recently it has become far more difficult and far more dangerous for the gangs to feed in the Kikuyu, Embu and Meru districts. Villagers have confessed in large numbers and have produced hidden ammunition, money and pieces of home-made

[H.E. the Governor] guns. They have also dug up so great a number of corpses that it is clear that the *Mau Mau* terrorists not only killed Government supporters, but also wiped off a large number of private scores.

The situation is greatly improved. It is encouraging and it gives good ground for congratulation to officers in the field for their long, their arduous and their patient work. But it gives no ground either for relaxation of effort or for complacency. There are still many *Mau Mau* terrorists at large and among them are the most notable leaders with a number of weapons. In the Kikuyu Land Unit, in spite of the general improvement, there are still black spots. In the settled area stock thefts have been reduced, but they have not been eliminated. A result of improvement east of the Aberdares in the Kikuyu Land Unit is that small groups of gangsters have travelled widely and are now at times to be found in places which in the past were quiet. Above all, the situation gives no cause for relaxation of personal precautions. There are still a number of desperate criminals at large perfectly capable of committing individual murders.

The country owes a great debt to the Army and to the Royal Air Force for what has been accomplished. General Erskine, since his arrival in Kenya, performed a massive task and we are now reaping the benefit of much that he did. General Lathbury has kept up an unremitting pressure on the terrorists and has shown that the Army can adapt itself with great speed and great success to a changing situation. As a result of the Army's success it has been possible, step by step, to take over control outside the forests to the Administration and the Police. Fort Hall was the first district from which troops were withdrawn. The experiment was successful and now a combination of Kenya Police, Tribal Police Combat Units and Tribal Police control most of the Kikuyu Land Unit and part of the forest fringes. The remarkable improvement in the Kikuyu Land Unit has come about following the completion of the policy of drawing people together into villages and also the changes made in the former Kikuyu Guard. Those Kikuyu Guard who were armed with firearms are now in the

Tribal Police or in the Tribal Police Reserve (which last will be stood down when the security situation justifies such a step), live in fortified posts and are paid, given uniforms and firearms. Those other members of the Kikuyu Guard who in the past had no firearms have for the most part returned to the villages where they form Watch and Ward Units. This has led to a closer connexion between the villagers and those who are actively assisting the Government. The Watch and Ward Units receive certain concessions but are not paid. They continue to patrol with the Tribal Police. Following these two changes it has been possible in many areas to arrange a system of movement control by which villagers going to work on their *shambar*, or herding their cattle, do so under escort from either the Tribal Police or the Watch and Ward Units. It is the establishment of this system which in many areas has broken the physical contact with the gangs. The individual gangster, most often have hidden in a hole in a sisal hedge and have slipped out for a few minutes to tell a woman working in her field that food must be left at a certain place at a certain time or else there would be trouble. In this way the fear of the terrorist was maintained. Now, there can be no absolute certainty, but it appears probable that the new system has in most areas broken that physical contact and dissipated that fear. As a result there have been the disclosures I have already mentioned. As a result too, the flow of information from villagers has greatly improved. As a final and most important result many villagers now actively co-operate, raise the hue and cry when gangs appear and themselves chase them. In short there has been a change in the actions of that general mass of Kikuyu who lie between the active loyalists on the one side and the active supporters of the *Mau Mau* movement on the other. But this is not universal and there have been certain areas, notably some of those within the range of both the Northern Aberdares and Mount Kenya, where the improvement has been less marked.

The final proof of the advance made in the struggle against *Mau Mau* has been the decision of the Commander-in-Chief to part with three battalions and

[H.E. the Governor] all the bombers, both Lincolns and Harvards, and to reduce three Brigade Headquarters to two. Any further reductions will be considered very carefully in the light of changing conditions, but there can be no doubt that the struggle against *Mau Mau* is still a military operation requiring military command.

With the improvement in the security situation it has been possible to turn more and more attention to what have been usually termed the problems of reconstruction. The greatest of these is in my opinion a problem of reabsorption into the ordinary life of the community. After the war there was a problem of displaced persons all over Europe. After the struggle with *Mau Mau* there is a problem of displaced Kikuyu, Embu and Meru. These are mainly of two classes. First there are so-called repatriates who returned to the reserves from European farms or from forests. Many have been placed on the land, but others are doing paid relief work. The second class is that of detainees. Experience has shown that individual detainees can best be judged in their own areas and there divided into those who are still dangerous and those who can be safely released. It is for this reason that following a great effort Works Camps have been built all over the Kikuyu Land Unit. There is now a steady flow of detainees out of the Works Camps and a regular system has been established enabling a man considered to be no longer dangerous to move from a wired camp to an open village and then finally to his own home.

But the country has to face this greatest and most difficult of its problems and has to act on it within certain limits imposed by the security situation. The chief of these are two. First, there is no doubt that at the moment a return of any number of at all doubtful Kikuyu, Embu or Meru to Nairobi would lead to a revival of the Nairobi *Mau Mau* committees. These have shown an extraordinary capacity to form and re-form in secret and have provided the supply base, and therefore the life blood, of the *Mau Mau* movement. It is no exaggeration to say that the turning point of the struggle against *Mau Mau* was the destruction of those committees in April, 1954. But it is also

true to say that experience since then has shown that given the slightest opportunity *Mau Mau* supporters in Nairobi would again re-form their organization. Secondly, no reasonable man would advocate the return of Kikuyu, Embu and Meru to farms or forest work in the Rift Valley Province, or in the Nanyuki District of the Central Province unless measures had been taken to make sure that those returning did not revive on the farms the troubles of 1953. A start has been made in organizing an experiment return to farm work in small numbers of repatriates and of detainees, but this cannot be hurried.

The general policy of Government is to try to avoid any sweeping moves of Kikuyu, Embu and Meru from a given area where there has been trouble. It is our wish to adopt the alternative method of dealing with that trouble when and where it occurs; first by establishing a system of closer administration with more police and with sub-stations, with Chiefs, Headmen and Tribal Police, and, secondly, by detaining those against whom there is specific information of connexion with the violent movement.

The Government has been actively pursuing measures to absorb the people I have mentioned. First there is a scheme for irrigation in Southern Embu. On this we have had the benefit of the advice both of the Irrigation Adviser to the Colonial Office and of a former General Manager of the great Gezira Scheme in the Sudan. A number of camps have been established and an experiment has also been made in open villages attached to camps. Detainees are doing the preparatory work for this scheme, that is the clearing of bush, the building of roads, and the digging of canals and of drains on the assumption that at the end of a pilot scheme period, and on the completion of the necessary inquiries, it proves possible to go on with the scheme. This assumption is a financial risk which we are bound to take. On the other hand, water will not be put on any large area of land, and African settlers will not be established, until the necessary investigations and the necessary period under trial crops on a pilot scheme scale has been completed.

Secondly, a scheme has been prepared in detail for employing some 5,000

[H.E. the Governor] African families on an improved resident labour system in forest development work. This scheme is intended to double the 1946 Development Plan Forest Programme and so work up to an annual planting programme for both schemes combined of some 12,000 acres of exotic softwoods. The scheme as a whole has attracted the sympathetic interest of the United Kingdom Government and, subject to scrutiny by an independent expert on forestry matters from outside the Colony, I hope it will become an accepted part of Kenya's Forest Development Programme. During the first three months of next year we will accordingly be visited by Dr. Craib, the outstanding South African authority on forestry, and particularly on the planting of softwoods. We hope during the coming year to make a start by opening new forest stations in the Eastern Aberdares Forest Reserve and building villages to accommodate 1,000 landless African families from the adjoining native reserves.

Thirdly, experimental work on the cultivation of the high bracken areas in the Kikuyu Land Unit is proceeding in Embu. It is hoped that a number of Africans will in the future be able to obtain an economic living from land which in the past has been regarded as generally infertile.

Fourthly, during the last few years great agricultural progress has been made in the Kikuyu Land Unit. There has been the development of cash crops and in Meru there are now over 10,000 African coffee growers. There has been much soil conservation work in bench terraces, in paddocking and in other ways. There has been great progress with the consolidation of holdings and the grant of a form of title. This has now been completed in the first experimental areas.

In all these ways it is hoped to attack the problem of displaced persons. The situation has compelled me to speak at length about the Kikuyu areas, but the conclusion should not be drawn that they are being favoured. On the contrary enormous agricultural progress is being made in other parts of the Colony and very large sums of money are being provided by Government as free grants

or loans to assist development. To give you some examples of this—a free grant of £34,000 is being made to the Kamba in Kitui District for the construction of large dams; and £30,000 is being spent on tsetse eradication in the same district; in Machakos £57,000 will be spent this year on general reclamation and £23,000 on the Makueni Settlement; in the Coast Province work will proceed on the Coast hinterland development and the Shimba Hills Settlement, and £25,000 is provided for afforestation and irrigation in the Teita Hills. Equally large sums are being made available for land development in Nyanza including £20,000 for settlement and afforestation in the Lambwe Valley, in Central Nyanza the first report has been received from Sir Alexander Gibb and Partners (Africa) about irrigation prospects on Makano Plains near Kisumu. In the Rift Valley Province over £50,000 has been provided for development in the cattle country of the Samburu and £30,000 for the Nandi.

I will now turn to the financial and economic position. The Colony has continued to enjoy generous financial assistance from the United Kingdom. Without this it would be impossible to maintain our existing basic services. In order to present the clearest possible picture of our continuing commitments items of Emergency expenditure likely to be with us for some time will where possible be transferred to the Colony's ordinary votes in the coming estimates. It will be necessary to keep new services to a minimum and to avoid expenditure which, however desirable, is not absolutely essential.

A Bill will be introduced to place Price Control, which is at present covered by regulations issued under temporary United Kingdom Government legislation, on a permanent basis. The Government does not propose to add to the number of articles subject to price control since the general policy is one of decontrol. It is none the less necessary in the interests of the economy as a whole, and of the consumer, to continue to control certain basic products such as posho and it is always desirable that the Government should be in a position to take rapid action in an emergency or sudden shortage.

[H.E. the Governor]

A Bill will also be introduced to provide for the establishment of a Cereals Finance Corporation.

The Gill Report on Income Tax, together with a White Paper, will be laid. Arrangements are also being made, in consultation with the other East African Governments, for a Commission to be set up to consider the whole question of income tax in the territories having regard to the revenue needs of each territory and to the effects of existing rates on development.

A White Paper will be laid on the report of the Cost of Living Committee.

Last session Council debated a 3½-year Development Plan for the period to 30th June, 1957. This plan envisaged expenditure of £23.7 million to finance which only £21.6 million was estimated to be available.

The Government has re-examined the allocations and certain problems connected with implementing the plan. A White Paper containing their conclusions is being laid. It is proposed that the plan should be amended to provide additional money for Township Water Supplies; Veterinary Services; Industrial Development; a new Medical Training School; and the Forest Rangers Training School. The finance for these additions will be covered from savings on other allocations and by additional funds which have been made available. The revised plan provides for expenditure of £22.9 million against finance of £21.2 million.

The development plan and the special plan for the extensive development of African agriculture are of the highest importance and everything will be done to ensure that they are successfully and speedily implemented. It is, however, unlikely in the present state of the overseas money market that further finance will be found to fill the capital gap of £1.6 million and it is probable that the raising of loans already contemplated will present considerable difficulties and that increasing reliance will have to be placed on the local market. The recent local loan which is just closing has proved an outstanding success and reflects the confidence felt both in London and in Kenya in the future of this country.

Meanwhile, in spite of Kenya's troubles the continued flow of new capital investment is further and encouraging evidence of the confidence of investors in the Colony's future. Since the beginning of 1955 nearly £2 million of new capital has been committed in the establishment of new commercial and industrial enterprises and in the expansion of those already existing. This confidence has been shown by large firms of international repute. The establishment of a margarine manufacturing industry by Messrs. Unilever is an example and their decision later to build a large modern factory for the manufacture of soap. It has also been shown in the start made with other secondary industries such as those for the manufacture of cotton-wool and surgical dressings, crown corks and seals, nuts, bolts and rivets. Capital investment in the important tea industry is also to be greatly increased. More money will come into the country for the distribution of petroleum products and for the various branches of the processing industries which depend on the Colony's primary agricultural products. An important development has been the decision of the Government to grant to the Anglo-American Corporation of South Africa a special exploration licence over valuable mineral deposits at Mrima Hill in the Coast Province. The grant of this licence to a mining house of such great resources and technical skill will ensure the most rapid development of what may prove a very valuable natural asset of Kenya. Very good work has been done by the Geological Survey at Mrima Hill and the geological mapping of the Colony will be continued as fast as possible. Oil exploration by a large oil company in certain areas of the Coast and Northern Frontier Provinces continues, but it is too early as yet to make any further statement.

Following an undertaking given to the Legislative Council the Government appointed a committee to examine the need for economic assistance for primary and secondary industries, excluding agriculture. The report has been received by the Government and will be placed before the Council. Government proposes that an industrial development board should be established and that an industrial development officer should be appointed. The sales of Commerce and

[H.E. the Governor]

Industry in Kenya have expanded year by year and now 4,500 copies are sold. Every effort will be made to give publicity abroad to Kenya's attractions to the industrialist and investor.

Finally, it is intended to introduce a Trade and Supplies Bill to enable the Government to meet its obligations as a member of the sterling area and to safeguard the Colony's essential supplies. This enactment will replace existing powers exercised under the Defence Regulations. Proposed amendments to the law relating to trade marks, hotels, auctioneers and rent control will also be introduced.

I turn now to the question of the date of the next General Elections to this Council. Under the Legislative Council Ordinance, the Legislative Council, unless previously dissolved, has a life of four years from the date of the previous General Election. The statutory life of this Council therefore would normally come to an end on or before 7th May, 1956. Since the enactment of the Legislative Council Ordinance in 1937, and its amendment in 1951, there has been an adjustment in the Colony's financial year. Formerly, when the financial year coincided with the calendar year the debate on the Annual Estimates could conveniently be held in November each year; but under the new arrangements the Estimates must be debated in May and June, and the dissolution of the Council in May, 1956, would seriously disrupt the business of the Government. My Government has accordingly decided that there should be a postponement of the dissolution of the present Legislature. The date of the next General Election has provisionally been fixed for September, 1956, and during the present session of the Council legislation will be introduced to amend the Legislative Council Ordinance so as to prolong the life of the present Legislature until 7th October, 1956. This legislation will not interfere with my power to dissolve the Legislative Council at an earlier date should this be necessary.

Passing from the question of the life of this Legislative Council to that of the Central Legislative Assembly, Honourable Members will remember that the Central Legislative Assembly was brought into being by the East Africa (High Commission) Order in Council, 1947,

which provided for the continuance in existence of the Central Legislative Assembly until 31st December, 1951. Unlike this Legislative Council, no provision was made for the Assembly to enter automatically upon a new lease of life on the expiry of the old. During 1951 motions were passed on the Legislative Councils of Uganda, Tanganyika and Kenya praying that the life of the Central Legislative Assembly should be prolonged for a further four years, that is until 31st December, 1955. An amendment was accordingly made to the High Commission Order in Council providing for the continued existence of the Central Legislative Assembly until 31st December of this year. The Legislative Councils in Tanganyika and Uganda have already passed motions seeking the prolongation of the life of the Assembly for four more years, until the end of 1959, and my Government proposes shortly to introduce a similar motion into this Council.

In my speech at the opening of the last Session of the Legislative Council, I referred to the arrangements which had been made for Mr. W. F. Coutts to conduct an inquiry into the best method of choosing African Members of the Legislative Council. Mr. Coutts arrived in Kenya at the end of February and in subsequent months travelled extensively in the Colony and Protectorate. Wide publicity was given to his arrival and to the inquiry he was about to undertake; invitations were issued to those interested, from whatever walk of life they might come, to see Mr. Coutts or to express their opinions in writing, and evidence has been heard and memoranda received from a large number of people; in his investigations the Commissioner was assisted by prominent Africans of the areas visited and by the present African Members of the Legislative Council. His report is now complete and is under consideration by the Government; it will be published in the near future and it is the intention of the Government that its decisions on the recommendations made therein should be made public in the form of a White Paper.

Honourable Members will recall that the Report of the Royal Commission on Land and Population in East Africa was received earlier this year. The report is

[H.E. the Governor]

is a most important and highly complex document; it covers a very wide field and deals with issues which are fundamental to the life and well-being of the whole of East Africa. This report is now receiving a detailed examination by the Government. It must clearly take some time for the Government to formulate its policy on the report, but it is the intention that this should be done as soon as possible and that the policy decided upon should be set out in a White Paper which will be laid in the Council during the present Session.

The present Immigration (Control) Ordinance which was enacted in 1948 has now been operating for seven years, and there has been, therefore, adequate opportunity to study its effect on the country in general. My Government has recently examined the results of the operation of this Ordinance, and its ancillary legislation, and has decided to place before the Council during its present session a White Paper setting out proposals for certain modifications to the present immigration policy and recommendations for the procedural changes which are now considered necessary.

Honourable Members will recall that last year it was necessary to seek the advice of members of the Broadcasting Commission on how the scheme proposed by them could be reduced in extent so as to accord with the money available for broadcasting. It was also decided to negotiate with Cable and Wireless Ltd. for an extension of their agreement for a further three years until September, 1959. A report on the modifications possible has recently been received and this Council will in due course be given an opportunity to consider the whole question of broadcasting in detail.

In European Education the new Girls' Secondary School, now accommodated in Nairobi, will be transferred to Eldoret at the beginning of the coming year. To enable this move to take place the pupils now attending the Highlands School in Eldoret will be transferred to the Hill School. The buildings in Nairobi which will be vacated by the new Girls' Secondary School will be used for the development of a Mixed Day Modern School for European children who live

in and near Nairobi and who should be able to benefit more from the "modern" type of education than from the academic type of education which leads to the School Certificate and Higher School Certificate Examinations. New day schools for primary pupils will also be opened in January of next year at Muthaiga, Nakuru and Machakos. This last school is the second rural day primary school for European children to be built by Government. Although considered primarily as a day school, the County Council of Nairobi intends to build a small hostel on the school grounds for the benefit of the children living in the outlying areas of the Machakos District.

In Asian education good progress has been made in the building programme, and if, as Government expects, it is maintained during the coming year, it will be possible by the end of 1956 to dispense with double sessions in Government schools.

During the year a new primary school for Arab boys will be built in Mombasa, and a programme is being drawn up for extensions and improvements to the coast village schools in order to meet the new and encouraging interest being shown by the Arab community in the education of their children.

Encouraging progress has also been made in the programme for the accelerated development of African education in Nairobi. This has been made possible by the new method of prefabricated construction designed by the Kabet Technical and Trades School; and three new African primary schools are already being built by this method. The same method of construction has been used for extensions to the European primary school at Kilimani, and is also being used for the new European primary at Muthaiga.

Emphasis will continue to be placed on the education of African girls, and there has been a reallocation of development funds to enable more facilities to be provided both at girls' schools and at women's teacher-training centres. There have been technical difficulties connected with the nature of the sub-soil at the site selected for the African Women's Teacher-Training College at Machakos,

[H.E. the Governor] but construction will be started as soon as possible. The Government also intends to build an additional centre in Nyanza and both will eventually provide teacher-training for African women entering at the post-school certificate level.

The adult literacy scheme in the Machakos District has been further expanded and new schemes have been started in South Nyanza. During the coming year adult literacy work will be extended to other areas as the result, in part, of American assistance from the International Co-operation Administration (the successor to the Foreign Operations Administration).

Wide publicity has already been given to the Royal Technical College of East African in Nairobi which will open in March next year. I confidently believe that the college will make a great contribution to the economic and social advancement of all races in the East African territories. Government is grateful to the Governing Council for the help it will give in the organization of technical courses at Institute level for Kenya students which will be financed by this Government.

At a lower, but very important, level of technical training it has not proved possible to open this year the new trades school for the Coast Province at Kwale; it will, however, be opened in January, 1956.

During this Session the Government proposes to introduce the African teachers' service which will offer terms of pensionable service under identical conditions to all African teachers in whatever school and by whatever authority they are employed, with the exception of teachers already confirmed in pensionable posts in Government service.

The Education Department is also actively reviewing the content of secondary education for all races with the intention of introducing new courses which will be suited to the varying aptitudes of the pupils. In particular, plans are being made for the introduction of "modern" courses for those not suited for a purely academic course. These "modern" courses will be started at the four existing Government European secondary schools and will be additional

to the new Modern Day School in Nairobi which I have already mentioned. A new day secondary "modern" school for Asian children will also be built next year in Nairobi.

A considerable revision of employment legislation is being undertaken. Following the reports of the "Committee on Young Persons and Children" and the "Committee on African Wages" amendments are proposed to the Employment Ordinance and the Employment of Women, Young Persons and Children Ordinance. Amendments to the Trade Unions Ordinance and the Regulation of Wages and Conditions of Employment Ordinance are also contemplated.

Government will continue to further the healthy development of trade unions, and to this end it is proposed to hold further courses of instruction similar to those which have already been so successful.

It continues to be the Government's policy to encourage the determination of wage levels by, where possible, the methods of collective bargaining and agreement. In industries where channels of negotiation do not exist and where there is need to regulate wages and other conditions of employment, the Government, with the advice of the Wages Advisory Board, is setting up Wages Councils. Three such councils are already functioning; a further two are in process of formation; and more may be established during the coming year.

The question of rural wages is at present under examination by a special committee.

In accordance with Sessional Paper No. 21 of 1954, which contains Government's proposals for implementing the recommendations of the Report of the Committee on African Wages, consideration is being given to taking, with effect from 1st January, 1956, the first step in the transition from a minimum wage which takes account of the needs of a single individual to one which is based on the needs of a man and his wife.

The Emergency has placed a severe strain on the Medical Department. There has been a loss of trained staff. There have been additional duties resulting from the establishment of detention and prison camps. There has also been an increased strain as a result of the policy

[H.E. the Governor] of closer administration. The establishment of sub-stations and, in the Kikuyu Land Unit, the drawing together of the people into villages has brought to light cases of sickness which might otherwise not have been discovered.

Continuing the policy of transference of responsibility of health services to local authorities arrangements have been made to hand over dispensary services in Nairobi to the Nairobi City Council in the New Year. More dispensaries will be opened, and it has been decided to introduce fee paying for out-patients' treatment and this will be started in Government dispensaries in Nairobi immediately. It is already the practice in many African District Council areas.

The Government has been fortunate in receiving considerable assistance from outside sources such as the World Health Organization, U.N.I.C.E.F., and the United States International Co-operation Administration, and it is desired to pay tribute to these organizations for the generous help they have given us. Various supplies such as dried milk, equipment and vehicles have been made available and have done much to help in tackling the many problems with which the Medical Department is confronted. Assistance has also been given by U.N.I.C.E.F., in a campaign for malaria control, in the Nandi District, which has proved a great success this year, and which will be continued for a further two years. On the training side we are grateful for a large grant of funds made available by the International Co-operation Administration and amounting to £145,395, which has enabled plans to go ahead for a centralized medical training school in Nairobi. On completion of these plans, which are estimated to take two years, we shall have a training school capable of dealing with twice the number of students as can be dealt with under existing arrangements. With the difficulties of staff, to which reference has already been made, this contribution will be a very large and important factor in the development of the Medical Department in future years.

The report of a committee which was set up to consider by what means the cost of treatment in hospital to individual

Asian and Arab patients could be reduced will shortly be laid before this Council together with the Government's comments.

A Bill is now in draft form to repeal and re-enact the Local Government (Rating) Ordinance with such modifications as experience of the present legislation has shown to be desirable.

Development in the County Council system of local government continues and earlier this year the Nyanza District Council adopted a scheme of county administration. Discussions have also taken place in Mombasa in connexion with a scheme for county administration at the Coast.

The African District Councils continue to advance and it is hoped to shortly introduce legislation to regularize the position of locational councils and to enable African District Councils to undertake the implementation and administration of housing estates within their districts. This progress is encouraging and should continue at the present rate if African District Councils take steps to improve their financial administration. The accounting procedure in some of the larger Councils is a source of concern to the Government. Certain Councils have wisely accepted the services of a trained European Financial Adviser, and they can look forward to the future with confidence. Others have so far not accepted the Government's advice and if they are to advance at the same speed it is hoped that they will soon do so. Government is examining the financial relationship between African District Councils and Central Government and a paper on this subject will be laid.

The Central Housing Board has done much to stimulate the provision of African housing during the past year. By means of loans made or reserved in respect of approved schemes, the Board has fully committed the funds available to it which amount to more than £2,000,000. Much remains to be done in providing accommodation for Africans and for urban workers generally, but future activities in this direction must depend on the availability of further capital funds. Our local authorities are showing a realistic attitude towards housing generally which is to be greatly commended.

[H.E. the Governor]

A large and very important scheme involving funds to the extent of £2½ million for the provision of African housing in Nairobi is being undertaken jointly by the Ministry of Housing and the Nairobi City Council. Some 5,000 dwellings (accommodating 25,000 persons) of single- and double-storey design will be made available for the African population. Use will be made of building techniques new to East Africa which involve the use of pumice which is easily available locally. As a result it will be possible almost to halve building costs compared with the more traditional methods and so make a reasonable standard of accommodation fall within the reach of most pockets. Erection is planned at an average rate of six dwellings per day and the first houses should be on the ground in the first half of next year, with the completion of the scheme in approximately 2½ years.

Other large schemes for African housing utilizing Central Housing Board funds are progressing satisfactorily at Mombasa, Nakuru and Eldoret, whilst many other smaller, but equally important schemes are in progress elsewhere in the Colony.

A large scheme to pool and redistribute land on the mainland at Mombasa is receiving the fullest support of the Government and in the first instance an area of approximately 200 acres will be replanned into ½-acre plots properly served by water and roads. By this means the shortage of accommodation in Mombasa itself will be considerably eased by providing plots for lease on which people of all races can erect houses.

The Government is well aware of the acute shortage of European and Asian housing in the larger urban areas and with the co-operation of local authorities and building societies it is hoped to be able to assist these sections of the population in the provision of more accommodation and house purchase in the very near future. A means of guaranteeing excess advances by building societies for house purchase is being considered. The Nairobi City Council has already indicated its willingness to co-operate with Government in the proposals.

It is proposed to introduce an Ordinance to provide for the formation and the registration of building societies and other incidental matters connected therewith.

The welfare of children in the Central Province is a challenge to Government. The problem has been attacked in a variety of ways. Missions are playing a large part in caring for children separated from their parents. The British Red Cross Society under the direction of Government are doing admirable work in villages. In fact I have pleasure in making special mention of the work being done by these Red Cross workers to whom we owe a great debt. The African District Councils have shown a sense of responsibility in providing for the care of children either in orphanages or through a system of foster parents. Great assistance has been given by the "Save the Children Fund" to those children whose needs cannot be met by any of the schemes referred to. In particular the Fund will contribute considerably towards easing the position in Nairobi by the recently established Youth Park at Langata, where the more unruly elements among the young will be cared for, educated, and, it is hoped, brought up to be useful and responsible members of the community.

There will be expansion in the activities of the Ministry for Community Development. I wish particularly to mention the work of the Ministry in areas other than the troubled area. There has been a highly successful scheme of village betterment in the Machakos District. Three new Community Development Officers will be appointed to expand this work. Seven more will also be appointed to work among African women. A good start has been made in the Nyanza Province and it is hoped that this will be developed.

The new Community Development Training Centre at Maseno in the Nyanza Province is nearing completion. Training will be on the lines of that already given at the Jeanes School, Kabeti. This school has recently been granted funds from the International Co-operative Administration to set up two new sections, one for the training of local government staff, and the other for African traders. Further funds from

[H.E. the Governor]

the United States will make possible the employment of 21 additional Community Development Officers.

The Emergency area officers of the Ministry have worked hard at rehabilitation in the camps and prisons. They will also be responsible for the camp for young detainees and convicted juveniles which has been established at Wamumu in the Embu District. Much good work has also been done by other smaller youth camps in districts in the troubled area. In all this work the Ministry has received the greatest co-operation from missionaries.

The increased staff provided for the Probation Service will make expansion possible. It is hoped to reform a greater number of offenders and particularly youthful offenders. Changes are being made in the administration of the Approved Schools with the intention of bringing them more into line with similar institutions in Great Britain. The boys are being given instruction in agriculture and trades. Juvenile Remand Homes are to be built at Nairobi and Mombasa.

As Honourable Members are aware, a considerable part of the law in force in the Colony derives from Indian Acts applied to the Colony. Those Acts apply to the Colony in the form in which they were in force in India in 1907, subsequent amendments not being applicable to the Colony, though in some respects the Acts have been amended, in their application to the Colony, by Ordinances of the Colony's Legislature. A start will be made in the new Session on replacing the applied Indian Acts by substantive Ordinances of the Colony incorporating any modifications and amendments which are considered to be appropriate to the needs and circumstances of the Colony. The first of these Ordinances is likely to be an Evidence Ordinance, replacing the Indian Evidence Act, and considerable progress has already been made in the preparation of a Bill for this purpose.

Other projects of statute law revision are also contemplated, chief among which are revisions of the Interpretation and General Clauses Ordinance, the Courts Ordinance and the Criminal Procedure Code. In addition, it is intended to introduce certain measures of law

reform based on the Law Reform Acts of the United Kingdom.

When to these legislative projects there are added the legislation that will be required, first, to deal with the dangerous and unreconciled *Mau Mau* hard core after the Emergency, secondly to replace by substantive legislation those parts of Emergency legislation which have proved their value and their suitability for incorporation in the permanent Statute-book, and thirdly, to provide for the innumerable affairs of day-to-day government, it will be seen that the legislative programme for the new Session is a heavy one.

In the field of criminal law, it is the Government's firm resolve to pursue, capture and bring to justice those who persist in the evil practices of *Mau Mau* despite the generosity of the surrender terms offered to them. At the same time, the Government will not tolerate any abuses or malpractices among its own forces, and will take all possible steps to ensure that any offenders in this regard are dealt with in strict accordance with the law. In this determination the Commander-in-Chief is fully associated with the Government, and all officers of the Government and all members of the Security Forces are charged to co-operate to the full in achieving these aims.

Last year in my Communication from the Chair I said that a Bill to amend the Police Ordinance of 1948 would be moved during the coming Session. As a result of the adoption of recommendations made by the Police Commission and in the light of changed conditions, it has been decided that a new Ordinance is required rather than an amending Ordinance. This new Ordinance is now being drafted.

In spite of the heavy calls made on the police during the past year, the amount and extent of their training has been increased and much has been done to improve the internal organization and administration of the force. Three hundred and eighty-five new European Contract Inspectors have undergone courses lasting three months at the Police Training School and 1,936 African recruits have undergone courses lasting six months. A number of courses have

[H.E. the Governor] also been held at the K.P.R. Training Centre. The number of literacy classes for African police is to be substantially increased.

The strain placed upon the Prisons Department by the Emergency is perhaps not altogether recognized. The department now controls 178 establishments, that is Prisons, Prison Camps, Emergency Detention Camps and ordinary Detention Camps. During the past year great advances have been made in the training of Prison Department staff and in improving the security of the various establishments.

Mr. Speaker, Honourable Members, two years ago when speaking in this House I ventured to compare Kenya to a man suffering from a very serious illness. I said that such a man, when he succeeds in conquering and overcoming that illness, starts on life again with more than usually great vitality and determination. Our country is not yet cured of its illness, but recently it has gone very far to overcoming it. This is encouraging. What is even more encouraging is that I see in the hard, in the patient, in the unremitting work of men and women of all races, whether in or out of Government service, whether serving in the heart of the troubled area, or whether carrying out equally important tasks in the rest of Kenya, evidence of just that determination and just that vitality of which I spoke. It is now becoming plain that within a year the nature of our problems will have changed. Their difficulty and their complexity will still be very great. But I believe that if we persist and if we do not relax we will be able to overcome them. (Applause.)

At thirty-one minutes past Three o'clock His Excellency the Governor left and the Speaker resumed the Chair.

PAPERS LAID

The following Papers were laid on the Table:—

Sessional Paper No. 97 of 1955—
Progress Report on the Three-and-a-half-year Development Plan.

(BY THE MINISTER FOR FINANCE AND DEVELOPMENT)

Transfer of Powers (Minister for Internal Security and Defence) (No. 1) Order, 1955.

Transfer of Powers. (Minister for Internal Security and Defence) (No. 2) Order, 1955.

(BY THE MINISTER FOR INTERNAL SECURITY AND DEFENCE)

Central Housing Board Reports and Accounts, 1953 and 1954.

(BY THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING)

Road Transport Wages Council (Establishment) (Amendment) Order, 1955.

Transfer of Powers (Minister for Education, Labour and Lands) (No. 1) Order, 1955.

Transfer of Powers (Minister for Education, Labour and Lands) (No. 2) Order, 1955.

(BY THE MINISTER FOR EDUCATION, LABOUR AND LANDS)

Transfer of Powers (Minister for Forest Development, Game and Fisheries) Order, 1955.

(BY THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES)

ORAL NOTICES OF MOTIONS

APPOINTMENT OF COMMITTEES

THE CHIEF SECRETARY: Mr. Speaker, Sir, I beg to give notice of the following Motions:—

THAT in accordance with the provisions of Standing Order No. 159 the following Members be appointed as members of the Sessional Committee:—

The Chief Secretary (Chairman).

The Minister for Legal Affairs.

The Minister for Finance and Development.

The Hon. S. V. Cooke.

The Hon. N. F. Harris.

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

The Hon. L. R. Maconochie-Welwood.

The Hon. C. B. Madan.

The Hon. E. W. Mathu.

The Hon. A. B. Patel, C.M.G.

[The Chief Secretary]

THAT in accordance with the provisions of Standing Order No. 158 the following Members be appointed as members of the Public Accounts Committee:—

Lt.-Col. the Hon. S. G. Gherise, O.B.E. (Chairman).

The Minister for Finance and Development.

The Hon. W. E. Crosskill.

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

The Hon. J. G. H. Hopkins, O.B.E.

The Hon. E. W. Mathu.

The Hon. J. L. Riddoch, O.B.E.

The Hon. C. G. Usher, M.C.

THAT in accordance with the provisions of Standing Order No. 153 the following Members be appointed as members of the Estimates Committee:—

The Minister for Finance and Development (Chairman).

The Hon. W. W. W. Awori.

The Hon. S. V. Cooke.

Lt.-Col. the Hon. S. G. Gherise, O.B.E.

Capt. the Hon. C. W. A. G. Hamley, O.B.E.

The Hon. N. F. Harris.

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

The Hon. Sir Charles Markham, Bt.

The Hon. E. W. Mathu.

The Hon. Chief Jonathan Nzioka.

The Hon. A. B. Patel, C.M.G.

The Hon. J. S. Patel.

The Hon. Sir Eboob Pirbhai, O.B.E.

The Hon. Sheriff Abdulla bin Salim.

The Hon. G. A. Tyson, C.M.G.

THAT a Select Committee for the purpose of superintending and management of the catering for Legislative Council be appointed, consisting of:—

The Hon. N. F. Harris (Chairman).

The Hon. D. L. Blunt, C.M.G.

The Hon. M. Gikonyo.

The Hon. W. B. Havelock.

The Hon. S. D. Karve, O.B.E., M.B., B.S.

The Hon. L. R. Maconochie-Welwood.

The Hon. C. B. Madan.

The Hon. I. E. Nathoo.

THE TRANSFER OF POWERS (MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES) (NO. 1) ORDER, 1955

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): I beg to give notice of the following Motion:—

BE IT RESOLVED that the Order cited as the Transfer of Powers (Minister for Agriculture, Animal Husbandry and Water Resources) (No. 1) Order, 1955, be approved.

THE TRANSFER OF POWERS (MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES) (NO. 2) ORDER, 1955

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: I also beg to give notice of the following Motion:—

BE IT RESOLVED that the Order cited as the Transfer of Powers (Minister for Agriculture, Animal Husbandry and Water Resources (No. 2) Order, 1955, be approved.

APPOINTMENT OF A SELECT COMMITTEE TO CONSIDER EMOLUMENTS

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

THAT a Select Committee be set up to consider and recommend to this Council any changes that may be thought desirable in the system or amounts of emoluments to be made payable to Members of Legislative Council which recommendations, if accepted, to be effective from the commencement of the sittings of the Eleventh Council, to consist of the following Members:—

The Minister for Finance and Development (Chairman).

The Asian Minister without Portfolio.

The Hon. S. V. Cooke.

The Hon. N. F. Harris.

The Hon. J. Jeremiah.

The Hon. E. W. Mathu.

The Hon. J. S. Patel.

The Hon. Sheriff Abdulla bin Salim.

TRANSFER OF POWERS (MINISTER FOR INTERNAL SECURITY AND DEFENCE) (No. 1) AND (No. 2) ORDERS, 1955

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

He **RESOLVED** that the Orders cited as the Transfer of Powers (Minister for Internal Security and Defence) (No. 1) Order, 1955, and the Transfer of Powers (Minister for Internal Security and Defence) (No. 2) Order, 1955, respectively, be approved.

ADJUSTMENTS TO DEVELOPMENT PLAN SESSIONAL PAPER No. 97 of 1955

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

WHEREAS this Council, on 19th April, 1955, approved the Government's proposals contained in Sessional Paper No. 31 of 1955 for a development programme covering the three-and-a-half years 1st January, 1954, to 30th June, 1957;

AND WHEREAS changing circumstances have made it necessary for certain adjustments to be made to this programme;

He **RESOLVED** that the proposals contained in Sessional Paper No. 97 of 1955 be approved;

AND He **FURTHER RESOLVED** that the cost of implementation be met out of moneys to be provided by the Legislative Council through the Development Estimates.

RECORDING OF THANKS TO HIS EXCELLENCY THE GOVERNOR

DR. KARVE (Nominated Member): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

He **RESOLVED** that the thanks of this Council be recorded for the exposition of public policy contained in His Excellency's Communication from the Chair on the 18th of October, 1955.

MOTION

APPOINTMENT OF COMMITTEE OF SUPPLY
THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, Sir, I beg to move—

That the Committee of Supply be appointed, consisting of the whole Council, to consider of the Supply to be granted to His Excellency the Governor.

MR. HARRIS seconded.

Question proposed.

The question was put and carried.

MOTION

APPOINTMENT OF COMMITTEE OF WAYS AND MEANS

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, Sir, I beg to move—

That the Committee of Ways and Means be appointed, consisting of the whole Council, to consider Ways and Means of raising the supply to be granted to His Excellency the Governor.

THE CHIEF SECRETARY seconded.

Question proposed.

The question was put and carried.

BILLS

FIRST READING

Eviction of Tenants (Control) (Amendment) Bill

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Patel): Mr. Speaker, Sir, may the Bill on the Order Paper, standing in my name, be withdrawn?

THE SPEAKER: I will put the question that hon. Members are willing that this Bill be withdrawn.

Question proposed.

The question was put and carried.

Trade and Supplies Bill.—(Mr. Maddison, Nominated Member)—Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

Cereals Finance Corporation Bill.—(The Minister for Finance and Development)—Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

ADJOURNMENT

THE SPEAKER: That concludes the business on the Order Paper, I, therefore, adjourn Council until to-morrow at 2.30 p.m.

Council rose at fifty minutes past Three o'clock.

Wednesday, 19th October, 1955

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

[Mr. Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:—

Royal National Parks of Kenya Report, 1954.

[BY THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES]

ORAL NOTICES OF MOTIONS

ESTABLISHMENT OF ROADS DEPARTMENT

MR. COOKE: (Coast): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

Be it **RESOLVED** that this Council urges that in the interests of economy and efficiency the Roads Branch of the Public Works Department should become a separate department implementing the policy of the Road Authority.

TRANSFER OF POWERS (MINISTER FOR EDUCATION, LABOUR AND LANDS) (No. 1) ORDER, 1955

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

Be it **RESOLVED** that the Orders cited as the Transfer of Powers (Minister for Education, Labour and Lands) (No. 1) Order, 1955, and the Transfer of Powers (Minister for Education, Labour and Lands) (No. 2) Order, 1955, be approved.

CONTRIBUTORY PENSION FUND FOR AFRICAN TEACHERS

MR. WADLEY (Nominated Member): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

WHEREAS Legislative Council on 25th August, 1950, approved in principle the Report of the Committee on African Education in Kenya as modified by Sessional Paper No. 1 of 1950;

AND WHEREAS the said Sessional Paper expressed agreement, *inter alia*, with the recommendations of the said Committee for the creation of a

unified service for all African teachers and for the establishment of a contributory pension fund for all African teachers in aided schools, subject to a reservation that the form the pensions scheme should take must await the outcome of a survey then being undertaken and subsequent discussions with the Government Actuary in the United Kingdom;

AND WHEREAS statutory provision for the establishment of an African Teachers Service has been made by the enactment of the African Teachers Service Ordinance, 1954;

AND WHEREAS regulations with regard to the terms and conditions of service of teachers who will be members of the African Teachers Service have been prepared and will be ready to be brought into force at the beginning of the year 1956;

AND WHEREAS the survey and the discussions with the Government Actuary referred to in the second recital above were based on the numbers of teachers, and the salaries paid, at 30th June, 1950;

AND WHEREAS since that date the number of teachers to be included in the pension scheme has greatly increased and their salaries have been substantially revised, necessitating a new survey and further consultations with the Government Actuary in the United Kingdom, the completion of which may require as much as a further two years, before the capital value of the cost of granting pensionable rights to all teachers can be accurately determined;

AND WHEREAS the Government, considering that it is undesirable that the establishment of a pension scheme, which is an integral part of the new African Teachers Service, should be further delayed, proposes to introduce, with effect from 1st January, 1956, a pension scheme for African teachers on the lines set out in Section IX of the aforesaid Sessional Paper;

Be it **RESOLVED** that pending the completion of revised calculations of the capital sum needed to set up the required Pension Fund the Government shall guarantee—

(i) that the appropriate contribution in respect of the past service of

[Mr. Wadley]

teachers admitted to the pension scheme will be paid into the Fund either in one sum or by instalments over a period of years when the Government Actuary's calculations based on revised numbers and salaries have been made, and

(ii) that in the meantime the Government will, if necessary, subsidize the Fund to enable it to meet any payments which may fall due, any such subsidies to be deducted in due course from the contribution to be paid in respect of past service.

TRANSFER OF POWERS (MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES) ORDER, 1955

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (Mr. Blunt): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

BE IT RESOLVED that the Order cited as the Transfer of Powers (Minister for Forest Development, Game and Fisheries) Order, 1955, be approved.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 3

MR. SLADE (Aberdare) asked the Minister for Agriculture, Animal Husbandry and Water Resources:—

Having regard to the necessity of placing beyond the reach of rebels all this year's cereal crops in the troubled areas as soon as harvested, and the present lack of facilities for that purpose, will the Minister please state:—

(1) Whether the wheat now remaining in the Naivasha store (from last year's crop) will be completely cleared before the end of October, 1955?

(2) Whether the new stores at Thomson's Falls and Ol Kalou will be large enough to accommodate the whole cereal crop from those areas, and completed in time to accommodate the same as and when harvested?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: It is assumed from the tenor of the hon. Member's question that he is referring specifically to the wheat crop,

as maize does not present any serious problem in the troubled areas.

(1) It is the intention that the Naivasha Wheat Store should be cleared of the 1954 planted crop by the end of October, so that after cleaning and fumigation new crop wheat may be accepted from the farms by the 1st of December.

(2) No, Sir. The stores at Thomson's Falls and Ol Kalou will hold only 40,000 bags each as part of the long-term plan for the storage of wheat. On present plans these two stores are likely to be completed some time in January, 1956. In the meantime the removal of wheat from danger areas affected by the Emergency presents a special problem which has been accentuated by the comparatively large wheat crop in 1954/55. The policy approved in 1954, of obtaining additional wheat storage so as to clear the farms principally affected by the Emergency as soon as possible after harvest, will be continued.

MR. SLADE: Arising out of that reply, Mr. Speaker, may I ask the Minister whether he has any plans to dispose of oats and barley, which have also been found acceptable to terrorists, before they could fall into the hands of terrorists?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: No, Sir, it has not been brought to my notice that oats and barley are a major problem in this matter. If they are, however, Sir, I can assure the hon. Member I will do my best to clear them as quickly as possible.

MR. SLADE: Is the Minister satisfied that, in fact, in one way or another, there will be little prospect of wheat, oats or barley being exposed to the access of the terrorists?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: No, Mr. Speaker, the problem is a difficult one. For instance in wheat alone, we have to move 400,000 bags of the old crop and the coming crop will reach about 600,000 bags. Thus, for wheat alone, we have to move 1,000,000 bags between now and sometime early next year, and why I cannot tell the hon. Member I can be completely satisfied, is because to do so would mislead him. It must depend largely on the

[The Minister for Agriculture, Animal Husbandry and Water Resources] transport and especially the rolling stock on railway which is available to move the crops generally. What I have said in regard to wheat, applies equally well to barley and oats. We would, I think, of necessity have to treat wheat as the priority.

QUESTION No. 12

GROUP CAPTAIN BRIGGS (Mount Kenya) asked the Minister for Agriculture, Animal Husbandry and Water Resources to state:—

Whether he is aware of developments which have taken place in the U.S.A. with a new form of hybrid sorghum, said to be suitable for planting in arid areas and whether experiments in Kenya with this new seed are contemplated?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: If by the term hybrid is meant ordinary crosses between varieties then the Director of Agriculture tested a large number of American varieties and crosses but these have not proved satisfactory in this Colony. If the term means true hybrids (as used in "hybrid maize"), the Director is aware of American breeding work, but the details of the most recent developments have not yet arrived in Kenya and these hybrids have not been tried in the Colony.

Little breeding and varietal work has been done with sorghum because our plant breeders have been fully occupied with wheat, barley, oats and maize. When a new plant breeder, now in training, arrives next year, it is planned that he will work primarily on sorghum, with particular reference to the more arid areas. This work will be linked with similar work in Tanganyika and Uganda. The Director of Agriculture will import and test American true hybrid sorghums.

QUESTION No. 13

SIR EBOO PIRBHAI (Nominated Member) asked the Minister for Local Government, Health and Housing:—

Is the Government aware of the appalling condition of the roads in the Eastleigh area?

Is it not a fact that representations have been made to the local authorities for remedying the situation and that a great deal of discontent exists amongst the ratepayers in that area?

If the answer to the above is in the affirmative, will Government take immediate measures to remedy the situation in view of the fact that the present state of affairs is dangerous to the health of the community besides being a very bad advertisement for the visitors who come from overseas?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Yes, Sir, but the responsibility for the state of these roads does not rest entirely with the Nairobi City Council. Most of the roads in the Eastleigh area are private streets within the meaning of the Municipalities and Townships (Private Streets) Ordinance and their construction to a reasonable standard is, therefore, the responsibility of the frontagers concerned. Those roads, such as Watkin Street and Second Avenue in Eastleigh, which are the responsibility of the Nairobi City Council are in a reasonable state of repair.

The City Council has powers, however, under the Ordinance to which I have referred to do private street works at the cost of the frontagers and they spend annually a sum of £100,000 in this way.

More cannot be spent, nor can the process be speeded up in any way because of difficulties in the recruiting of technical staff. It should also be remembered that the Eastleigh private streets are not the only ones requiring attention and the City Council have a priority list of private street works due for construction, in which the Eastleigh streets have their place. The current list provides for 46 streets, valued at £193,000 and will cover the next 18 months. Before the Eastleigh private streets could be made up approximately £100,000 worth of surface water sewerage and £50,000 worth of foul sewerage is needed. The Council have recently approved the first £50,000 worth of surface water sewerage and this should be completed within one year. The approval of this expenditure is an earnest by the City Council of their intent to proceed with the Eastleigh private streets in due course.

[The Minister for Local Government, Health and Housing]

I will, however, bring the Hon. Member's question to the notice of the City Council and will emphasize the grounds for priority for the Eastleigh area as mentioned in the question.

SIR EBOO PIRIBHAI: Would the Minister state what steps have actually been taken, as far as the East African areas are concerned, particularly amongst the Arab districts, with the question of roads?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): Mr. Speaker, I cannot reply in detail, and I would like notice of that question in order to do so, but I can assure him that with my special interest in African housing, I have impressed upon the City Council the necessity to make up such roads.

MR. HARRIS: Arising out of the original answer, Sir, would the Minister give an undertaking that in representing the terms of this question to the City Council, he will also represent to them the equal claims for priority for other areas in the City?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Speaker, that matter, of course, will be kept in mind. If the hon. Member would like to see the priority list, I will show it to him afterwards and I am sure he will be satisfied.

MR. MATHU (African Representative): Mr. Speaker, Sir, arising from the original question, would the hon. Minister underline in putting this question to the City Council the fact that the questioner did mention the impression of the visitors who come from overseas. Would the Minister agree that the official aerodrome is at Eastleigh and not Embakazi?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: The last part of my answer, Sir, covers that particular point. It is my intention to so emphasize it.

MR. CHANAN SINGH (Central Electoral Area): Arising out of the original answer, Sir, will the Minister tell us what are the factors determining the priority in the construction of roads?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Speaker, the factors are many, but, obviously, the most important are first of all the uses made of such streets; secondly, the rate paying and value of property within such areas and so on. I think, Sir, that is another question entirely.

MR. HARRIS: Is the Minister aware, Sir, that very shortly we hope overseas visitors will arrive at Embakasi and not at Eastleigh?

QUESTION NO. 16

MR. COOKE asked the Minister for Finance and Development to state when does he propose to lay a White Paper, promised many months ago, on the Cost of Living Problem, following on the recommendations of the Leslie Report and the whole matter of inflation?

THE MINISTER FOR FINANCE AND DEVELOPMENT: I hope to lay a White Paper on the recommendations of the Leslie Committee on the Cost of Living shortly.

MR. COOKE: Mr. Speaker, does the word "shortly" have the same connotation as it had when the Gill Report was asked to be published?

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, the hon. Member is of course well aware (a) that I never promised to lay a White Paper on the "whole matter of inflation"; (b) the hon. Member will also be well aware that we had a debate on this very matter which covered 29 columns of HANSARD.

MR. COOKE: Is the hon. gentleman in order in making implications about my honour, Sir?

MR. SLADE: Would the Minister give us his definition of the word "shortly"?

THE MINISTER FOR FINANCE AND DEVELOPMENT: Sir, the definition of the word "shortly" is, in light of Legislative Council, "shortly". Hon. Members are inclined to forget that this Council is inclined at times not to sit continuously but have long vacations.

MR. COOKE: We shall see!

LT.-COL. GHERSIE (Nairobi North): Mr. Speaker, Sir, in view of that reply,

[Lt.-Col. Gherisie]

would the Minister state specifically whether it will be this year or next year?

THE MINISTER FOR FINANCE AND DEVELOPMENT: It is more likely to be early next year, Sir.

BILL—SECOND READING

CEREALS FINANCE CORPORATION BILL

Order for Second Reading read.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, I beg to move that a Bill entitled the Cereals Finance Corporation Bill be now read a Second Time.

This Bill, Sir, has been referred to in outline in previous speeches dealing with financial matters. As a result of the deterioration in the financial position of the Colony, there are now no longer available—the sums of money—which were used for the purpose of financing advances of the kind outlined in the Bill. And so it has become necessary, for two reasons, to find money on a short-term basis. The first reason is the obvious one that we must continue to assist the agricultural industry by making this type of advance, and the second is that we can no longer tie up our own funds, and there is some one-and-a-half million pounds tied up in this way, as I said in the last Budget Speech, which we must endeavour to release to the Consolidated Fund.

I do not think, Sir, I need cover a great deal of ground in this. The fact is that a European farmer when he receives a planting order can apply to the Land Bank for a planting advance of up to 80 per cent of the guaranteed minimum return which amounts to approximately 20 per cent of the value of the crop being planted. The security we have for this advance is the fact that if the crop fails, then the Government has the liability for the guaranteed minimum return payment. When a farmer harvests his wheat, or maize crop, the crop then becomes the property of the Government and as soon as the farmer has taken it into store, he can claim from the Kenya Farmers' Association, acting as Government's agents, 80 per cent of the value of the harvested crop and when the wheat or maize is despatched by the farmer to the mills or the Maize Control he receives

the remaining 20 per cent. That is the Cereals Advance side of it.

Then we have the question of the Maize Control overdraft which is required to finance the normal operation of the Maize Control. We shall have to go into the best method of dealing with that Maize Control overdraft, but a certain proportion of the moneys will have to be provided through means of short-term operations such as the Cereals Finance Corporation intends to carry out.

The position is that at one time we had £3,600,000 of the money out with the Kenya Farmers' Association, that the Maize Control overdraft has, from time to time, almost reached £2,000,000 and that the guaranteed minimum return advances rose at certain times of the year to some £800,000. This is money required for short-term purposes and we obviously cannot mortgage to that use our long-term finance.

For that reason, Sir, after discussions in England with various finance houses and after discussions with the Banks, I decided that we should put forward some of the machinery of the kind now visualized which, I must emphasize, will have nothing to do with agricultural policy but merely the operation and provision of the finance required to carry out that policy on a short-term basis to the least embarrassment of Government to the taxpayer and, I hope, on the best possible terms.

Sir, I beg to move.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: seconded.

Question proposed.

MR. HARRIS: Mr. Speaker, Sir, in supporting the main principles of this Bill, there are one or two observations which I would like to make. The first arises from clause 3, which reads: "The Corporation shall consist of such public officers as may, from time to time, be appointed by the Minister, and the Minister may, from time to time, nominate one of the Members of the Corporation to be Chairman thereof". Now, Sir, in the Bill, the definition of public officer means a person holding a full-time public office as a civil servant of the Government otherwise than as a part-time officer.

[Mr. Harris]

If one refers, Sir, to the powers of the Corporation in clause 4 of the Bill, one sees the sort of duties which this Corporation has to perform. I know, Sir, in reading the *Official Gazette* recently of an ex-Government officer who was applying for a licence under the Money-lenders Ordinance, and, had we more like him, I would have thought that the Civil Service was a competent body to run a Corporation such as is envisaged in the Bill. However, Sir (a), (b) and (c) of clause 4 (1), look much more like something in a commercial examination than I am sure appears in a Civil Service examination and I would have thought that Government might have given consideration to redrafting clause 3 (3) in order to permit the Minister to at any rate call on commercial experience on this Corporation if and when necessary. To make it mandatory that the Corporation shall consist of none other than public officers, seems to me, Sir, to limit the field and I would have thought that in a Corporation of this nature, one should call on the best brains in the country, and I regret, Sir, the other side of the Council has not a complete monopoly. They are better off than they used to be, Sir, but even now they still have not got a monopoly!

I think it should be made quite clear, Sir, that in this Bill under clause 4 (2) (b), this Council is authorizing the Corporation to borrow up to £5,000,000. That is money borrowed for a specific purpose, but is adding to the general overall indebtedness of the country when the Corporation takes advantage of this authorization. I think another debate, Sir, might be more fitting to question the extent to which we keep on going for loan money in one form or another, short-term or long-term, and what is going to be the ultimate responsibility of the taxpayers of this country to repay.

But I would like the Minister, when replying, Sir, to assure the Council, if he can, that, in fact, this method of authorizing the Corporation to borrow up to £5,000,000 is creating no greater indebtedness but is merely taking money that has been taken before from one source and now using another source to raise the same amount of money for a similar purpose.

I think this point that I am making, Sir, is emphasized in clause 10, (1) and (3) of the Bill where any charges on the Corporation, which the Corporation are unable to meet, become immediately a charge on the Colony's Consolidated Fund. There is no doubt that, in fact, this is a Colony commitment, although the Corporation is, in this case, being used as a Treasury agency.

With those points, Sir, I wish to support the Motion.

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

THE MINISTER FOR FINANCE AND DEVELOPMENT: I thank the hon. Member for Nairobi South for his support of the Bill. I was not quite certain, Sir, when he spoke about the monopoly of brains on this side of the Council and looked at certain Ministers, whether he implied that under the definition those very Ministers were public officers, as, of course, they are not quite.

MR. HARRIS: I looked only at those Ministers who interrupted me, Sir.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Those are the very Ministers, Sir, who are not covered by the definition in the Bill. Sir, I thought I made it quite clear in the beginning that there is no question of adding to the indebtedness of the country. This is a machinery which has been forced upon us by the Emergency and by the deterioration in our financial position. But, let me say, that had the Emergency not forced us into this position, I would have endeavoured to introduce some Bill or machinery of this kind in order to release money for development which was previously tied up year after year but actually only used for a very short period of the time; so that, in any case, it would have been, I think, a desirable machine to introduce. I reiterate this does not add one penny to the indebtedness of the country for, indeed, the £3,600,000 I spoke about, which has at one time been out with the Kenya Farmers' Association, the Maize Control overdraft of £2,900,000 and the guaranteed minimum returns of some advances of some £800,000, all these are already commitments and it has only been the Exchequer and audit procedure that

[The Minister for Finance and Development] has brought out into the open the fact that these commitments very often did exist without the Council being fully aware of them.

On the question, Sir, of public officers, I regret, Sir, that I feel at this stage at any rate I cannot accede to the request of my hon. friend. In the early stages, this must be an absolute Government Corporation because it is involving, completely, Government funds. It may be that when it has been in operation for a short time, and we have overcome some of the difficulties of finance, that we shall be able to broaden it a little bit, but at the present moment, Sir, I regret that I must cling to the fact that this is a Government machine and, therefore, must be operated by people who are under the direct orders of the Government.

Sir, I beg to move.

The question was put and carried.

MOTION

APPOINTMENT OF SESSIONAL COMMITTEE

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

THAT in accordance with the provisions of Standing Order No. 159 the following members be appointed as members of the Sessional Committee:—

- The Chief Secretary (*Chairman*).
- The Minister for Legal Affairs.
- The Minister for Finance and Development.
- The Hon. S. V. Cooke.
- The Hon. N. F. Harris.
- The Hon. S. G. Hassan, M.B.E.
- The Hon. L. R. Maconochie-Welwood.
- The Hon. C. B. Madan.
- The Hon. E. W. Mathu.
- The Hon. A. B. Patel, C.M.G.

Sir, Standing Order No. 159 requires that the membership of this Committee shall be agreed by Council at the beginning of every Session. All hon. Members are, I think, aware of this functions and responsibilities of this Committee.

I beg to move.

THE MINISTER FOR FINANCE AND DEVELOPMENT seconded.

Question proposed.

The question was put and carried.

MOTION

APPOINTMENT OF PUBLIC ACCOUNTS COMMITTEE

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

THAT in accordance with the provisions of Standing Order No. 158 the following Members be appointed as members of the Public Accounts Committee:—

- Lt.-Col. the Hon. S. G. Ghesrie, O.B.E. (*Chairman*).
- The Minister for Finance and Development.
- The Hon. W. E. Crosskill.
- The Hon. S. G. Hassan, M.B.E.
- The Hon. J. G. H. Hopkins, O.B.E.
- The Hon. E. W. Mathu.
- The Hon. J. L. Riddoch, O.B.E.
- The Hon. C. G. Usher, M.C.

This again, Sir, is a purely formal Motion, Hon. Members will note that in accordance with provisions of the Standing Order, a majority of the members of the Committee are unofficial members.

I beg to move.

THE MINISTER FOR FINANCE AND DEVELOPMENT seconded.

Question proposed.

LT.-COL. GHERSIE: Mr. Speaker, Sir, it has been the practice in the past to include the hon. Solicitor General on this Committee and I see his name is omitted on this occasion. The deliberations of this Committee are such, Sir, that on frequent occasions legal advice is invaluable. I wonder if the Minister could perhaps inform Council why on this occasion his name has not been included?

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, replying to the question raised by my hon. friend, the Member for Nairobi North, this has for some time been a matter of discussion inside the Government, because it was felt that the Solicitor General is an extremely busy person and he felt, indeed, that, except when legal advice

[The Chief Secretary] geniality and acrimony in our future debates.

Sir, the Government has every confidence in the hon. Members who appear on the Order Paper.

Sir, I beg to move.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Jeremiah) seconded.

Question proposed.

The question was put and carried.

MOTION

APPOINTMENT OF SELECT COMMITTEE TO CONSIDER EMOLUMENTS

MR. HARRIS: Mr. Speaker, Sir, I beg to move:—

THAT a Select Committee be set up to consider and recommend to this Council any changes that may be thought desirable in the system or amounts of emoluments to be made payable to Members of Legislative Council which recommendations, if accepted, to be effective from the commencement of the sittings of the Eleventh Council, to consist of the following Members:—

The Minister for Finance and Development (*Chairman*).

The Asian Minister without Portfolio.

The Hon. S. V. Cooke.

The Hon. N. F. Harris.

The Hon. J. Jeremiah.

The Hon. E. W. Mathu.

The Hon. J. S. Patel.

The Hon. Sheriff Abdulla Salim.

Mr. Speaker, this is merely a renewal of the Committee which was set up in the last Session and I would again repeat that any recommendations of this Committee would not have effect until after the next General Election.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING seconded.

Question proposed.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, I cannot resist the temptation of asking the hon. Member for Nairobi South if it is not a fact that this Committee has already met and that there was a full attendance?

MR. AWORI: Mr. Speaker, I have only two points to raise. This is another Committee which has also become decadent because, as far as I can understand it, they have only met once and it is nearly over a year since it was selected. I hope that in future they will be able to meet before the Eleventh Legislative Council.

The second point is that I would like to know why Mr. I. Okwirry is not on this list because I thought Mr. I. Okwirry was appointed on this Committee?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Speaker, I would like to ask the hon. Mover why the hon. A. B. Patel appears as the Asian Minister without Portfolio in this Select Committee but does not appear on other Select Committees on the Order Paper? Is he there as the Asian Minister without Portfolio or is he as A. B. Patel?

THE SPEAKER: No other Member rising to speak, I will call upon the hon. Mover to reply.

MR. HARRIS: Mr. Speaker, the Minister for Finance is quite right. The Committee has met and there was a full attendance. I suggest that we might do something about attendances of other committees as an encouragement to attend them.

Dealing with the African Representative Member, Mr. Awori, Sir, it is quite correct the Committee has only met once. This Committee, unlike many, Sir, is working when it is not meeting. It has got, and been given very useful information from very nearly every British Legislative Council throughout the Empire and all the information has been allocated and co-ordinated by the Clerk. The result was that instead of having several meetings at Sh. 60 a day, we were able almost to complete to a stage where we could get a draft report going with one meeting. Therefore, Sir, I submit that if we can do the work without the expenditure, it is a great advantage.

Dealing with the question raised by the Minister for Local Government, Health and Housing, Sir, or for Kiambu, the Asian Minister without Portfolio is on this Committee as the Asian Minister without Portfolio. The idea, Sir, was that when we appointed Ministers without Portfolio, I believe it was Government's

[Mr. Harris]

policy to try to give them some work to do and in this case they thought that dealing with other Members' pay would be a very good duty for them to perform. In so far as the Hon. A. B. Patel is concerned, Sir, in other committees I believe he is there as the Hon. A. B. Patel and not the Asian Minister without Portfolio.

There is one point I left unanswered and that is why Mr. Okwirry is no longer on this Committee. As is known, Sir, he is not available at the moment and the Hon. Mr. Jeremiah was invited to fill his place so that there should be adequate African representation.

The question was put and carried.

MOTION

TRANSFER OF POWERS (MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES) (No. 1) ORDER, 1955

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Speaker, I beg to move:—

BE IT RESOLVED that the Order cited as the Transfer of Powers (Minister for Agriculture, Animal Husbandry and Water Resources) (No. 1) Order, 1955, be approved.

Mr. Speaker, Sir, this Motion is largely formal and transfers to the Minister for Agriculture certain administrative powers hitherto used by the Council of Ministers.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING seconded.

Question proposed.

MR. HARRIS: Mr. Speaker, Sir, at a meeting of Unofficial Members this morning the question of these various Motions, transferring power to Ministers, was discussed and there was some doubt as to the exact constitutional effect of these transfer of powers. I would ask— I am sorry to see the Attorney General is not in the Council this afternoon— Sir, for a short dissertation on the exact effect of the transfer of these powers. There is, particularly among the African people of Kenya, a feeling of safeguard in that the final arbiter is the Governor in Council of Ministers, or, as it used to be in the old days, the Governor in Executive Council. I feel that an assur-

ance would assist if the constitutional position could be shown that, in fact, this transfer of powers to Ministers in no way diminishes the ultimate authority of the Governor in Council of Ministers, but is really an administrative development from the constitution we now enjoy.

MR. CONROY (Nominated Member) (Applause). Sir, I think the answer to the question asked by the Member for Nairobi South is contained in the words of the statute itself. That is the Transfer and Delegation of Powers Ordinance. Sir, there are two kinds of powers vested in the Governor, or vested in the Council of Ministers. One is a statutory power and one is a prerogative power. Now statutory power can, under section 2 of the Ordinance, be transferred by one of the Orders of the kind which we are considering to-day to a Minister. If it is transferred, as I read the Ordinance, the Governor divests himself, or the Governor in Council of Ministers divests himself, of the power; because when we look later in the Ordinance, we find that there is provision for delegation as opposed or contradistinguished to the transfer by Ministers to subordinate officers and when the power is delegated, there still remains a residual power in the Minister delegating, but when a power is transferred it would appear that the transferred power is vested in the Minister to the exclusion of the officer by whom transferred. Sir, I may be wrong on this, but it is a question of opinion. It is a question of opinion on the construction of the statute and I express my own personal opinion as to what the Legislature meant within the four walls of the statute when they enacted it. That to me appears to be the interpretation of the question of the transfer of a statutory power.

There remains, of course, the prerogative powers and, as I read this Ordinance, there is no power to delegate the prerogative power; they remain vested in the Governor as the representative of the Sovereign. Some of those powers, of course, are delegated by the Sovereign to the Governor and the residual power remains in the Sovereign and the power is also exercised by the Governor. Now as I read this Ordinance, there is no delegation of a prerogative power. There can be a delegation of a statutory power and we had examples before us

[Mr. Conroy] specific statutory powers which, it is proposed, to transfer from the Governor to Ministers, subject to the approval, prior approval, of this Council.

I hope, Sir, that that has answered the point raised by the hon. Member.

MR. SLADE: Mr. Speaker, I hope the hon. Solicitor General can assure us that, when there is a transfer of power as opposed to a delegation of power it is still possible for the Governor, or whoever may be the transferring officer, to take back the power if he feels so disposed.

THE CHIEF SECRETARY: The Ordinance, Sir, provides for that contingency.

MR. COOKE: Mr. Speaker, I think the gist of the question was, how does this transfer of powers affect the liberty of the ordinary citizen? Does it adversely affect him or not?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: I am replying, Sir? Have hon. Members finished?

LT.-COL. GHERSIE: Sit down and wait!

LT.-COL. GHERSIE: Just to conclude, Sir—

THE SPEAKER: I must ask hon. Members to get up more quickly, otherwise I am bound to call upon the Mover to reply.

LT.-COL. GHERSIE: The Minister hopped up too quickly, Sir.

I think the point is, Sir, that if these powers are transferred to a Minister, is that the final word or if one was in disagreement with any action taken by the Minister, is there an appeal back to the Council of Ministers?

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

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Speaker, I think probably it would make the matter clearer if I were to give hon. Members the actual powers which are being transferred to me as Minister. Before doing so, Sir, I would like to say this. I fully understand the fears of the African Members. Indeed, I would have exactly the same fears in reverse on certain other matters

and I would like to give an assurance, Sir, that in so far as my Ministry is concerned, and I am sure it would apply to all Government Ministries, if there are powers which—shall I say have big political or racial implications—I would either refer those to the Council of Ministers itself before using them or, alternatively, not transfer them in future suggestions. I think it is most important, Sir, and I thoroughly understand the thoughts of the hon. Members behind the points made by the hon. Member for Nairobi South.

Now, Sir, the actual powers which this particular Motion is going to transfer are as follows. The declaration of certain areas in which African produce may be controlled—that is to the advantage of the area and to the growers in the area concerned. In the case of the Sugar Ordinance to apply section 10 (4); I have, unfortunately, not been able to find it in this file.

In the case of the sisal industry, it is merely to approve payment of the fees, travelling, out-of-pocket expenses and so on of members.

In the case of the coffee industry it is the same.

In the case of the Crop Production and Livestock Ordinance, it is to declare any animal to be included within the definition of "livestock" which enables the Ordinance to operate upon that type of animal.

Lastly, Sir, in the case of the Cattle Cleansing Ordinance, it is merely to appoint analysts. I think hon. Members will agree there is nothing very dangerous or very revolutionary in those powers. They are really merely administrative functions which cluttered up the business of the Council of Ministers so the ordinary executive action of Government could not be carried on and they are merely transferred straight to the Minister concerned.

There is, Sir, in the case of some of them appeal to the Minister because not all are operated by him; some are operated under the rules of the statutory boards. There is power of appeal to the Minister and, of course, there is always the power of raising any matter in this Legislative Council.

I beg to move.

The question was put and carried.

MOTION

TRANSFER OF POWERS (MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES) (No. 2) ORDER, 1955

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: I beg to move the following Motion:—

BE IT RESOLVED that the Order cited as the Transfer of Powers (Minister for Agriculture, Animal Husbandry and Water Resources) (No. 2) Order, 1955, be approved.

This is practically the same as the other Motion I have just moved, and perhaps hon. Members would like to hear the powers that have been transferred to me:—

The Plant Protection Ordinance—To make Rules.

The Suppression of Noxious Weeds Ordinance—To declare areas to be infested.

The Marketing of African Produce Ordinance—To make Rules under that Ordinance and—a very important function—to establish markets.

The Grass Fires (Control) Ordinance—To make Rules.

The Agricultural Produce (Export) Ordinance—To make Rules.

The Cotton Ordinance—To make Rules.

The Coco-nut Preservation Ordinance—To make Rules.

The Coco-nut Industry Ordinance—To make Rules.

The Sugar Ordinance—To make Rules.

The Sisal Industry Ordinance—To approve purposes to which the Board's funds may be applied.

The Coffee Industry Ordinance—To approve the services to which the Board's funds may be applied and to make Rules.

The Coffee (Marketing) Ordinance—To approve sources of the "Coffee Pool" and the payment of remuneration and expenses to members of the Board.

The Passion Fruit Ordinance—To approve the appointment of persons, or bodies of persons, to be the

agency, and to approve the services to which the passion fruit levy fund may be applied; and to make Rules.

In so far as the Crop Production and Livestock Ordinance, the Branding of Stock Ordinance, the Cattle Cleansing Ordinance, the Hide and Skin Trade Ordinance, the Pig Industry Ordinance, the Rabies Ordinance and the Cotton Tax Ordinance—under all those Ordinances to make Rules.

Under the Tea Ordinance—To appoint a member of the Tea Board and to make Rules.

Those, actually, Sir, are the powers which are being transferred.

THE MINISTER FOR COMMUNITY DEVELOPMENT (Mr. Ohanga) seconded.

Question proposed.

MR. SLADE: Mr. Speaker, Sir, this Motion concerns mainly rule-making powers. I would, Sir, remind hon. Members of the jealousy with which we must watch all rule-making powers, since they are, in fact, a delegation of this Council's jurisdiction. It is a serious matter when the power to make Rules by virtue of subsidiary legislation, is transferred to any officer—even the Governor—away from this Council, and if you are going to go so far as to allow the Governor to hand over that power to somebody else, all I can say, Sir, at this stage, is that it has got to be watched very carefully. It may be that these rule-making powers are to be used for such small purposes—or will be used so well by the Minister—that we shall be happy over this transfer, and I do not propose to oppose this Motion at the moment, but the time may come when we decide that, after all, it is a pity that so much in effect—legislative power has been transferred away from the Governor, and we might have to consider asking for some of them to be transferred back again.

I beg to support.

MR. MATIU: Mr. Speaker, Sir, I would like to associate myself with my hon. friend, the Member for Aberdare. It is a matter that has exercised my mind for a long time in this Council, Sir—that is, these rule-making powers. I do know there is a safeguard so far as this Council is concerned that a Motion can

[Mr. Mathu] be moved after the Rules have been made, but I was wondering whether the Minister—or the Government for that matter—might consider setting up a committee, as it is done in the House of Commons—a standing committee on the delegation of Rules, or such term, which scrutinizes—or rather, examines—the Minister after publication of the Rules very carefully, so as to make sure the liberty of the subject is not impinged upon.

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

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Speaker, I would just like to make two points in reply. I will certainly give an assurance that the Government will consider the question made by the hon. African Member, Mr. Mathu.

The second point I would like to make, Sir, is specifically in reply to the hon. Member for Aberdare, and it is this. I think Government agrees entirely with him. Indeed, I remember when some of the Members on this side of Council were on the other side we raised exactly the same point, but I think in the case of most of these rules the Council has a natural check, because nearly all of them—I say nearly all because I have not been able to look through them—are naturally only laid or passed by the Minister after conjunction with the Board dealing with the industry. It would be quite impossible, in my view, to make rules dealing with the coffee industry which were not approved by the Coffee Board, or, for that matter, any other board—the Passion Fruit Board—and I think that in the case of all these rules that is a great safeguard, because the Boards themselves are—at least in a large proportion—elected, and so they do represent the industry, and the Minister can only really make rules after consultation with the industry concerned.

I beg to move.

The question was put and carried.

MOTION.

TRANSFER OF POWERS (MINISTER FOR INTERNAL SECURITY AND DEFENCE) (No. 1) AND (No. 2) ORDERS, 1955

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE: Mr. Speaker, Sir, I beg to move:—

BE IT RESOLVED that the Order cited as the Transfer of Powers (Minister for Internal Security and Defence) (No. 1) Order, 1955, and the Transfer of Powers (Minister for Internal Security and Defence) (No. 2) Order, 1955, respectively, be approved.

Mr. Speaker, Sir, the purport of the Transfer and Delegation of Powers Ordinance has just now been explained by my hon. friend, the Solicitor General, and the procedure under it was explained by my hon. friend the Chief Secretary as recently as 5th October. I do not therefore feel that I need dwell on them now.

The two Orders which are before Council at the moment seek to transfer to the Minister for Internal Security and Defence various powers in the Vagrancy Ordinance, the Detention Camps Ordinance, the Kenya Regiment (Territorial Force) Ordinance, the Military Units Ordinance, the Compulsory Military Training Ordinance, the Firearms Ordinance, the Criminal Procedure Code and the Fugitive Offenders (Pursuit) Ordinance.

It sounds an impressive list in view of what we have heard to-day about dangers to the liberty of the subject, but I have no desire to snatch power, and I think it is a very undesirable thing that a Minister responsible for internal security should, indeed, obtain an accretion of powers which might militate against the liberty of the subject. In fact, the great bulk of these are merely administrative and, with your permission, Sir, I should like to go through them *seriatim*.

To take first of all the No. 1 Order, which is the transfer of powers vested in the Governor. The first item is the Vagrancy Ordinance, section 4—to declare any building within the Colony to be a house of detention for the occupation of vagrants or of any class of vagrants. Well, in fact, all prisons of the Colony are already declared to be buildings for the occupation of vagrants, and it follows, that the Superintendent is

[The Minister for Internal Security and Defence]

automatically the Superintendent of the Prison, or the District Commissioner or any other officer in charge of the Prison.

The next item under that Ordinance—to order the discharge of any person detained in a house of detention—is certainly not any interference with liberty.

The Detention Camps Ordinance—and this Ordinance does not refer to Emergency detention camps, but to those under the Laws of Kenya. The first proposed transfer is to declare any place to be a detention camp, and similarly to cease to be a detention camp. I already exercise that power by delegation from the Governor, and I have no reason to believe—and it has never been brought to my attention—that I have abused it.

The next one is formal—to issue directions and orders for the control and direction of detention camps. In fact, this work is carried out by the Commissioner of Prisons, who is under my orders in these matters.

The Kenya Regiment (Territorial Force) Ordinance—the powers which it is wished to transfer are to appoint and establish military districts, with the number and designation of units of the Regiment to be allotted to and trained in any military district. This does not lay open any Cromwellian possibility of appointing Major-Generals, what it does enable to be done is—as we had before the Emergency—units of the Regiment to be specifically attached to, for instance, Thomson's Falls, Eldoret and places of that kind.

The next one is to appoint a military officer to inquire into the loss, damage or destruction which may have been occasioned by wrongful acts or negligence of members of the Kenya Regiment. The intention is to appoint the Commander-in-Chief, East Africa Command, and there is power under the same Ordinance to make regulations, but if hon. Members care to refer to the Ordinance itself, they will find that regulations can only be made after consultation with the Commander-in-Chief.

The Military Units Ordinance of 1939—the power asked to be transferred, again, is a power to make regulations.

and this, I think, is something of a technical transfer because the Ordinance is a moribund one. It was assented to in 1939 and enables the Governor, with the approval of the Secretary of State, to establish units of combatant arms and departmental services, and I assume that it is under this Ordinance that such units as the East African Army Service Corps and the East African Army Medical Corps were established. Again, these can only be established by the Governor with the approval of the Secretary of State. The powers throughout are the Governor's, with the exception of what it is sought to transfer, which is to make regulations providing for the following matters—all the matters which, by the Ordinance, are permitted to be prescribed—rates of pay, rations, terms of service, payment of allowances or pensions, appointments and promotions, suspension or reduction in rank; and things of that kind—and, as I say, the Ordinance itself is, I think, at the moment moribund.

The next power sought is under the Compulsory Military Training Ordinance, which provides for the initial training of persons called up. Well, that is no more than a power, which has been exercised for quite a long time, to call up young men of certain ages and send them to a place to be trained, which is at the moment Nakuru, and is likely to continue to be Nakuru.

The next power which it is sought to transfer is, under a section of the Firearms Ordinance, which is to add to, vary or amend the Schedule to the Ordinance. That particular Schedule is applied only to the Northern Province, and it increases the penalties connected with firearms offences, if they are committed in that area. The power would be to extend the area, but it is difficult to envisage to what area extension will be made.

Under the Criminal Procedure Code it is sought to transfer the power to order an accused to be confined in a lunatic asylum. Now, the actual section is this—this reference is to an inquiry about the lunacy of the accused:—

"If the court is of opinion that the accused is of unsound mind:—"

Perhaps I have started a little, too early by saying: "If the court is of

[The Minister for Internal Security and Defence] opinion that the accused is of unsound mind and consequently incapable of making his defence.

It goes on to say that the court shall postpone further proceedings in the case.

The section which it is sought to transfer is:—

"If the case is one in which bail may not be taken, or if sufficient security is not given, the court shall report the case to the Chief Secretary, and the Governor, if satisfied by medical certificate, may order the accused to be confined in a lunatic asylum or other suitable place of custody, and the court shall issue a warrant in accordance with such order."

Well, that is, in fact, a formal power. The Judge's report under the Ordinance is sent to the Chief Secretary, and action is taken automatically on that report by the issue of a warrant signed by the Governor, or now by the Minister—it is not of very great importance, but it is desired to relieve the Governor of the need to do a number of these things.

That, Sir, deals with the first of the two papers before the Council.

The second, which is Order No. 2, concerns the transfer of powers from the Governor in Council. The Ordinances are for the most part those which I have already referred to.

The first is the Vagrancy Ordinance—power to make regulations.

The second is the Detention Camps Ordinance—power to make rules.

The third is the Fugitive Offenders (Pursuit) Ordinance, and the power sought is to define, by order, the area in the Colony which the police of an adjoining territory may enter when in pursuit of an offender and within which they may pursue and arrest such offender. This is a matter of reciprocal arrangement. It can only be done under the Ordinance, when other territories, such as Tanganyika and Uganda, have agreed to give similar facilities to our police. In fact, they did so a very long time ago—in the thirties, I think—and the order already exists whereby police from Tanganyika, Uganda or Kenya can mutually pursue to a distance of 50

miles over the boundary of the other colonies. Having made an arrest, if successful in doing so, they bring the accused before a magistrate in the colony in which they arrested him.

The next one is the Compulsory Military Training Ordinance, and is again power to make regulations, and the balance of the powers sought are all under the Firearms Ordinance. Now, the first—there is a misprint in the paper, incidentally. Section 23 is shown twice—at the bottom of the first page and the top of the second page. The first power which it is sought to transfer is to hear and determine appeals in connexion with firearm certificates, permits and registration. That is a power which is already delegated to me, which I have exercised for the last—or has been exercised in my Ministry—for the last two years or more, and which, so far as I know, has not occasioned any complaint about it being abused.

The balance of the powers sought under the Firearms Ordinance are similar: to hear and determine appeals in connexion with import, export, removal and transit permits. There has not, to my knowledge, ever been an appeal of that kind whilst I have been in charge of this. No matter has ever arisen which has been questioned. And similarly, to hear applications for exemption from prohibition as to possessing, using or carrying firearms. That is where, under certain circumstances, a court makes an order prohibiting a person from owning or having firearms for a period, and there are certain persons who statutorily are not allowed to have them—convicts who have been released under supervision. One of the conditions of their release is that they do not own firearms, and this is to enable certain persons who may have been aggrieved by the extent of the disability imposed on them to endeavour to have it removed.

The next one is to make provision for validating within the Colony certain arms licences granted outside the Colony—that is to say, Tanganyika and Uganda. In fact, in view of the extreme strictness with which we impose the firearms law—a necessity for the Emergency—we have not taken any action, and I do not propose at present to take any action to validate licences issued other than in this country.

[The Minister for Internal Security and Defence]

The last is the ordinary power to make rules.

Mr. Speaker, I beg to move.

THE MINISTER FOR COMMUNITY DEVELOPMENT seconded.

Question proposed.

MR. SLADE: Mr. Speaker, I beg to move one comparatively small amendment to this Motion. I am afraid I have no time to put it in writing. It is very simple to appreciate anyhow, Sir.

It is that there be added to the proposed Resolution the words following "Subject to deletion from the Order cited as the Transfer of Powers (Minister for Internal Security and Defence) (No. 1) Order, 1955, of all reference to the Military Units Ordinance (No. 25 of 1939)".

Mr. Speaker, Sir, the Minister describing this Ordinance has told us that it includes transfer to him of the rule-making power under the Military Units Ordinance, and he has suggested that that Ordinance is moribund. Well, Sir, if the Ordinance is indeed moribund, perhaps there is no occasion for any transfer of powers; but I beg to doubt whether the Ordinance can be regarded as moribund. It was, in fact—as the hon. Member said—the Ordinance under which all our local subsidiary military services during the last war were established—the East African Army Service Corps, the East African Medical Corps, the East African Signals and, I think, the East African Artillery, and so on—and it may seem moribund now but, in the event of another war, presumably it will return to equal importance.

Now, Sir, the rule-making power under that Ordinance, if it is to be used at all, is a very, very sweeping power. It is the power to deal with terms of pay and conditions of promotion and transfer of all the members of those units. It is the sort of power that is exercised in the United Kingdom, if I am not mistaken, by the Army Council, in making Queen's Regulations, and making Royal Warrants for pay and so on. In fact rules made under this Ordinance are equivalent—I think—to Queen's Regula-

tions for the Army, I do suggest, Sir, that if this power is ever to be exercised, it should be exercised by the very highest authority, and therefore it should not be transferred to any particular Minister. It may be that it will never have to be exercised—we hope it will not, unless there is another war—but if the powers mean anything at all, they should be placed, I suggest, with the Governor or Governor in Council.

THE SPEAKER: Before we proceed with the debate, I should like to have that in writing. You have not produced it in writing.

MR. SLADE: I will put it in writing.

MR. LETCHER: I beg to second the amendment.

THE SPEAKER: The original question was that it be resolved that the Order cited as the Transfer of Powers (Minister for Internal Security and Defence) (No. 1) Order, 1955, and the Transfer of Powers (Minister for Internal Security and Defence) (No. 2) Order, 1955, respectively, be approved.

The question I now have to propose is that there be added to those words the following—after the words "be approved"—that there be added: "Subject to deletion from the Order cited as the Transfer of Powers (Minister for Internal Security and Defence) (No. 1) Order, 1955, of all reference to the Military Units Ordinance, 25 of 1939."

MR. HARRIS: Mr. Speaker, Sir, I should like to support the amendment, both on the very cogent grounds given by my hon. friend, the Member for Aberdare, and also, Sir, because when I was listening to the Minister expounding how non-existent those powers really were because the Bill was moribund anyway, I had an awful picture of trying to get hold of the Minister on an important matter, only to find he was too busy to deal with me because he was demoting a non-existent officer in a non-existent army. I cannot see, Sir, if it is as moribund as the Minister suggests, that it is necessary to transfer the powers to anyone, because nobody uses them. If they have to be used, I agree entirely with the hon. Member for Aberdare that they should be adjudicated upon the highest authority in the land.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE: Mr. Speaker, Sir, as I said when I spoke to the original Motion, I have no desire to grasp power in this matter. The amendment is perfectly acceptable.

THE SPEAKER: Do you wish to reply to the original Motion as amended?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE: There is nothing further to be answered. I beg to move, Sir.

Amendment proposed.

The question was put and carried.

THE SPEAKER: I will now put the question as amended, namely:—

BE IT RESOLVED that the Orders cited as the Transfer of Powers (Minister for Internal Security and Defence) (No. 1) Order, 1955 and the Transfer of Powers (Minister for Internal Security and Defence) (No. 2) Order, 1955, respectively, be approved, subject to the deletion from the Order cited as the Transfer of Powers (Minister for Internal Security and Defence) (No. 1) Order, 1955, of all references to the Military Units Ordinance (No 25 of 1939).

The question was put and carried.

ADJOURNMENT

THE SPEAKER: That concludes the business on the Order Paper. I therefore adjourn Council until 2.30 to-morrow afternoon, Thursday, the 20th October.

Council rise at fifty-nine minutes past Three o'clock.

Thursday, 20th October, 1955

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

[Mr. Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:—

Report of the Public Accounts Committee on the Colony's Accounts for the half-year ended 30th June, 1954.

[By LT.-COL. THE HON. S. G. GHERSIE, O.B.E.]

ORAL NOTICE OF MOTION

ADOPTION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE

LT.-COL. GHERSIE, Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT the Report of the Public Accounts Committee on the Colony's accounts for the half-year ended 30th June, 1954, which was laid on the Table of this Council on 20th October, 1955, be adopted.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 7

MR. MATHU asked the Minister for Internal Security and Defence to state whether he proposes soon to follow the neighbouring territories in promoting the capable African policemen to the rank of Assistant Superintendent?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE: All ranks in the Police are open to men of any race. The only qualifications are ability, experience, and merit, and any African officers in the Police with the necessary qualifications are eligible for promotion to the rank of Assistant Superintendent and are given the same opportunities for promotion as police officers of other races.

MR. AWORI: Arising out of that reply, Mr. Speaker, does he mean that up to now we have not got a single African with the necessary qualifications for promotion?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE: Yes, Sir.

MR. MATHU: Mr. Speaker, Sir, arising out of that reply, does the hon. Minister imply that this Colony is so incompetent as not to be able to produce the men of necessary qualifications as indeed they have done in Uganda and Tanganyika?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE: Mr. Speaker, Sir, there is no implication other than that as yet we have no African officers with the abilities required and already described by me in my answer to the original question.

MR. COOKE: Mr. Speaker, does the same principle apply to the multi-racial Government?

QUESTION No. 8

MR. MATHU asked the Minister for Local Government, Health and Housing to state whether he is aware that Africans owning permanent buildings in Bahati and Makadara in the City of Nairobi have a feeling of insecurity as they hold no title for their verbal leases? If the reply is in the affirmative, what steps is the Minister going to take urgently to remedy this unsatisfactory state of affairs?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: I am not aware that there is a feeling of insecurity amongst Africans owning permanent buildings in Bahati and Makadara in respect of their land tenure.

(2) The Nairobi City Council so far has been unable to grant title owing to the difficulty of obtaining survey, but being well aware of, and in order to alleviate the concern expressed by African house owners, has recently entered with them into written "Agreements to Lease". These Agreements are enforceable in law and bind the Council to grant formal leases to the tenants concerned when title is obtained.

(3) I consider, therefore, that there are no grounds for serious concern on the part of the tenants in Makadara and Bahati as regards security of tenure, but nevertheless, I will inquire into the question of survey and will endeavour to obtain the highest priority possible.

MR. MATHU: Mr. Speaker, Sir, would the hon. Minister say whether these written agreements are negotiable?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Speaker, I am advised that they bind the Council in law and, therefore, they should be negotiable.

QUESTION No. 9

MR. MATHU asked the Minister for Local Government, Health and Housing to state fully the reasons why he has not complied with the repeated requests of the Africans in North Nyanza to appoint an African as President of the North Nyanza District Council?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: The reasons, Sir, why I have not complied with the repeated requests of the Africans in North Nyanza to appoint an African President of the North Nyanza African District Council are well known, but I welcome this opportunity of reiterating them once more. African District Councils as a whole are developing rapidly but they are in many ways still very immature.

As an example I should like to take the financial aspect of the North Nyanza African District Council. This Council has an estimated annual expenditure of approximately £294,000. (I am quoting from the Estimates for 1955.) (This excludes Capital Expenditure of £53,000 and A.B.F. expenditure of £100,000.) It is, therefore, one of our largest local authorities and is responsible for spending very large sums of public money. The Government has a duty to the public to ensure that public money is properly and wisely spent.

The hon. African Representative Member is a member of the Standing Committee for African District Councils and, therefore, is familiar with the very wide field of activities of the North Nyanza African District Council as shown in the Annual Estimates. He does not, however, see the audit reports on the Council. I have just recently received the Auditor's Inspection Report for the years 1953 and 1954 and the position disclosed by that report is quite alarming.

I should be happy to make a copy of this Inspection Report available to the hon. Member if he wishes but, meanwhile, for his benefit and for the

[The Minister for Local Government, Health and Housing] information of Members, I will quote some of the contents of the Report—I cannot go into too much detail as it would take too long.

In the report there were over 90 audit comments and queries—I will quote but a few:—

"Many payment vouchers could not be traced."

"There is a very long delay, usually three to four months in the settlement of accounts."

"The sum of Sh. 478 has been paid in respect of this voucher whereas the correct total appears to be Sh. 378."

"The salary of x has been entered twice on this voucher."

"There were many instances where receipts had been altered."

"The abstracts were very badly maintained and no attempt had been made to reconcile them with the Cash Book."

"During the two years under review no claims were made on insurance companies, yet it appears likely from a study of the repair bills that some of the vehicles were involved in accidents."

"The form of Estimates is most unsatisfactory."

"The loan registers are in a disgraceful condition."

"Messrs. . . . & . . . who have all left the service of the Council owe sums (in respect of loans) of Sh. 2,944/60, Sh. 4,607 and Sh. 2,032/30 respectively."

"Many traders are in arrears with their loan repayments."

"It was not possible . . . to reconcile the Agricultural loans register with Cash Book."

" . . . many borrowers are in arrear and no action has been taken for recovery."

"At the present time it is impossible to state whether all staff housing rents have been recovered."

"The checking of salaries, leave entitlements, etc., is very difficult and such systems as are in force provide little or no real control."

"I recommend that the Commissioner for Local Government and the Provincial Commissioner should refuse to sanction any further loans until they are assured that the Council are keeping adequate records. . . ."

"At the present time it is impossible to state whether all stores are properly brought to account."

I believe that the excerpts I have quoted will show the hon. Member quite clearly that far from there being grounds for reducing the influence of the Administration on such Councils there are strong reasons for closer control. This Council has had an offer from the Government of a seconded, trained European Financial Adviser but so far the Council has refused the offer.

As I said earlier, the financial aspect is only one consideration, and until such time as an African District Council can demonstrate clearly and beyond all doubt that it has fully matured and in every way can manage its own affairs, with a staff of trained and experienced officers, I should not be prepared to agree to remove the influence which the District Commissioner is able to bring to bear on the Council by virtue of his holding the office of President.

MR. AWORI: Mr. Speaker, Sir, I consider that is the longest reply ever given in this Council, and I would like to know who is to blame for the state of affairs revealed by that reply?

MR. COOKE: Mr. Speaker, Sir, I was going to ask exactly the same question. Is it not a reflection on the President who is the District Commissioner—what my friend has read out?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Speaker, it is quite obvious that in order to straighten out the financial aspect, the accounting aspect of an African District Council, or any other local authority, the Treasurer should be a properly trained man, and the Treasurer in this particular instance is not, nor in any other instances. On the other hand, the District Commissioner, although not a trained accountant, can, and does, help and I personally feel it would be even weakening this position if his influence were removed.

MR. MATHU: Mr. Speaker, Sir, arising out of that reply, is it not correct, Sir, that the present treasurer is a trained graduate of South Africa University, and he has also received training in England for this particular purpose?

Secondly, Sir, would an African President worsen this situation?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: I understand, Sir, that the present treasurer of this particular African District Council has had a short course in administration in the United Kingdom which one can certainly not say qualifies him as a whole-time treasurer. On the other hand, I will repeat my answer of before, I think it would be very unwise at this moment to remove the influence of the European President.

MOTION

THANKS FOR HIS EXCELLENCY'S COMMUNICATION FROM THE CHAIR

EXPOSITION OF PUBLIC POLICY BY HIS EXCELLENCY THE GOVERNOR

DR. KARVE: Mr. Speaker, I beg to move—

BE IT RESOLVED that the thanks of this Council be recorded for the exposition of public policy contained in His Excellency's Communication from the Chair on the 18th October, 1955.

MR. SPEAKER, Sir, I feel it a proud privilege, as a junior member, to be detailed to move this Resolution, because it is a Resolution which is going to start a very long and protracted debate—I hope—and will be discussed very thoroughly from the other side as well as from this side.

This year's Communication has got a special importance because of the fact that we have now passed over the crisis and we can be considered as a sort of convalescent patient. A convalescent patient has got to be cared for very carefully and to see that he does not get a relapse of the disease that he was suffering from.

Kenya is a much maligned country in the outside world. From my short experience in Ceylon and in India—where I was on holiday lately—most of the people there misunderstand our

political position completely, and it is such important statements like the Communication from the Chair by His Excellency which will give a lie to those malignant statements in other countries and will give a true picture of what we are doing in this country.

The most important part of this statement in the Communication by His Excellency, in my opinion, was the statement that he made that in spite of the fact that we will be very strict with the evil-doers, the Government will take very great care that it will not allow its officials to have any malpractices from its forces, or officers of its forces; that the Government will take very great care in that matter. That is very important from what other people—from what the outside world—thinks about us, because of those little things that really give ground for the bad things that the world at large speaks about us.

The other important thing in the Communication was the stress that was given on rehabilitation and the improvement in the social and other services, and also the improvement in agriculture as well as the development of the country. That stress was of the greatest importance because even though we will conquer the Mau Mau in due course, as we are bound to do, what is going to be important for our country is that everybody is well satisfied; the Mau Mau people, when they are rehabilitated, are well satisfied, so that we will have peace ever more and that there will be no recurrence of Mau Mau again.

This stress that was given on the development of the country in agriculture, in industry, in furthering the social services, is, therefore, of the greatest importance and that importance was stressed in the Communication from the Chair.

Talking about the finances, His Excellency stated about the great help that Her Majesty's Government has given our Colony, without which we would have absolutely foundered. But we must remember, at the same time, that our own finances have shown much better than what anybody could have expected and that we were not so badly off as we all expected a couple of years back. That shows that our finances were

[Dr. Karve]

on a very sound footing and that soundness of finance is now being demonstrated. It is true that we are facing a very difficult time ahead of us, but, at the same time, we are facing it with confidence and this confidence is now shared by the outside world so that the outside world also will help us in facing our future by putting in more money into our schemes in this country.

That was quite well shown by the latest success of the loan that we have floated in this country and I am quite sure that we will have success in any future loans that we float.

Talking about the social services, the Communication stressed the progress that is being made in the education of all races—European, Asian and African. The building programme of the schools of different races is going ahead as we expected and fortunately we have not had to cut down that building programme owing to the state of our finances.

Going on to the medical side of the social services question, I do think it is a very great advance that the Nairobi Municipality is going to be invested with the authority of opening dispensaries in this town and that those dispensaries are going to be largely increased in number. At other times our services for out-patients, medical help to the African community, have been of rather poor quality, owing to many reasons, but now that the local authority are taking over that question, I am quite sure that they will make satisfactory progress.

The one point that I like about this new scheme is the point that a small charge will be made for the out-patients' treatment that will be given to the patients by the Municipal dispensaries. That charge, many people think, will be rather troublesome or rather impossible to be met by the patients, but, from my own experience as a doctor, I can say definitely that unless a small charge is made, the patients are not satisfied that they are getting a square deal. Even in England in the National Health Service scheme, it was found necessary to put a small charge on the patients when they asked for medicines, for, without that charge, it was found that the system was not working satisfactorily.

Another scheme that is mentioned in the Communication is about a scheme that will be put in force for helping those people from the Indian and the Arab communities when they have the misfortune to go to hospital. At present, owing to the large increase in hospital fees, the poorer members of the community find it very difficult to pay their hospital bills when they have to go to the hospitals. This scheme, if and when it does come in, will go a long way to mitigating that problem.

I am not going to refer to other things about industrial and commercial subjects as I do not feel qualified to speak on those subjects. There are many others who can speak on those subjects—and I am sure they will do so in due course.

Lastly, I must now refer to the reference in the Communication to the Courts Commission. I am quite sure that if the Courts Commission does give a solution to the problem of African representation, satisfactory to the Africans, it will solve most of our political difficulties and that we will have a long time of peace and prosperity before us.

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

MR. HOPKINS (Nominated Member): Mr. Speaker, I greatly appreciate the privilege of being allowed to second this Motion of Thanks to His Excellency the Governor for his clear and comprehensive review of affairs in Kenya to-day and of the future intentions of Government, but, before I go any further, I would like to congratulate my friend, the hon. Member, for the very adequate way in which he presented his Motion. He has left me little to add.

For many of us in this Colony to-day, by far the most important portion of His Excellency's speech was that dealing with the Emergency. His balanced and restrained optimism will, I am sure, stimulate hope, courage and determination in all of us, and, speaking of one who comes from an area which has probably been harder hit by the Emergency than any other in this Colony, I would like to say that for the first time since the start of this Emergency, I have been able to agree that there is really some grounds for restrained optimism in the manner in which the Emergency is progressing. I think that everybody who

[Mr. Hopkins]

has been in close touch with the Emergency, during the last three years, will agree that there has been within the last few months a very marked improvement. Terrorists now seem very reluctant to raid our stock, and, when they do, their raid is more in the form of a surreptitious theft rather than one of the big-scale raids which accounted for hundreds of our cattle almost every morning in 1954. They seem to be, these days, more preoccupied in trying to find food to keep themselves alive with as little risk to themselves as possible. While there are still many, many terrorists—I am speaking mainly for the settled areas—in our area—they are now in small gangs who subsist largely on vegetables, immature maize and beans and even edible cattle food. These things they try to steal at night here and there with as little risk to themselves as possible, but, even this method of getting food is not without its risks, and I think it is keeping them rattled because patrols and ambushes are put out here and there every night. It is really quite risky for them getting food in the way they are still getting it. But there seems to be not the slightest doubt that terrorists living on this somewhat inadequate vegetable diet are nothing like as formidable as they used to be in the days when they dined daily off the best joints from our cattle and our sheep.

Sir, I would like to add my tribute to that of His Excellency to all the various branches of the forces who have been assisting us for so long a time; the Army, the Air Force, the Kenya Police, the Kenya Police Reserve, the Truckee Teams and the Administration which has done a grand and ever increasing job and, last but not least, to those gallant and loyal Africans of many different tribes who have steadfastly helped to guard our property and our stock, who, in the beginning were armed with nothing but bows and arrows. We owe them, Sir, a very, very great debt.

Now, Sir, in paying these tributes to the various branches of the Security Forces, I would not like hon. Members to be unmindful of the very great sacrifices which have been made by farmers in the front line—sacrifices which, in many cases, have brought them face to face with ruination and which, in all

cases, have so disrupted the economy of their farms, that it is going to be years before they can get their farming back on to a proper basis and their constitution, their stock restored.

Sir, I would like hon. Members to bear in mind, although I think they probably realize it, that this improvement in the Emergency does not mean the farmers are now going to be able to make less sacrifice—rather to the contrary; they have been asked, and they have agreed, to keep up the pressure on the *Mau Mau* and to increase it, and I believe that if we do so, in a few months' time the initiative which has now passed out of the hands of the *Mau Mau* will be in no risk of returning. They have definitely lost their initiative and I do not believe that if we keep things up for a little longer, they are ever going to get it back.

Sir, now all this sacrifice which has been made by the farmer has been done freely and willingly and really with no more grumbling than a farmer usually employs when speaking of the weather or the Government.

Sir, there is only one more observation I should like to make. I have been in this country now and worked in it for just over 40 years. During that time, I have had the necessity to come upon a lot of occasions where there has been friction between one or another of the various communities in this Colony, or friction between one of the communities and the Government. However, I have always been very impressed with the fact that never could one have said that there was any lessening on the part of any community in their loyalty to the Crown and, Sir, I pray that this regard and respect, which we hold for Her Most Gracious Majesty and which is extended to His Excellency the Governor, as her representative out here, will help us in this Council to sink our differences and one and all to work for the common good and advancement of this our beloved Kenya. Sir, I beg to second. (Applause.)

Question proposed.

GROUP CAPTAIN BRIGGS: Mr. Speaker, before I proceed with what I have to say, I would like to congratulate my hon. friend, the Nominated Member, who has just spoken, on his maiden speech as a

[Group Captain Briggs]

Member on the Government side. I do not think he can fairly be regarded as a maiden because he sat for many years on our side of the Council and, in fact, represented my own constituency. It was also, I might add, particularly gratifying to me to hear him using the words and explaining the hardships of the farmers in the Mount Kenya area which I have done at such regular intervals during the past two years, and I am very grateful to him for having done so.

Now, I think, His Excellency's speech can be fairly described as having been somewhat mono-racial in character. I think that was probably somewhat inevitable because a large part of the speech was concerned with the Emergency and also with post-Emergency planning. At the same time, I hope that other Government speakers will find it possible to deal with other matters concerning the European, Asian and Arab communities, because I think it will be a pity if the impression was created that the Government are disinterested in the problems and difficulties of the other communities.

Now, Sir, I would like to deal with a few of the more noticeable omissions from His Excellency's speech at a later stage.

I am sure the whole Council welcomed the reference to the improvement in the Emergency, and I particularly welcomed the warning that there must be no relaxation of effort and that there must be no sense of complacency. I am afraid that in certain quarters there may be some very slight tendency to relax the effort. I am sure also that the Council will welcome His Excellency's tribute to the Commander-in-Chief, General Lathbury, and also to the Security Forces. I only wish that we had had an unorthodox and imaginative soldier of General Lathbury's standing dealing with the Emergency sooner.

Now, Sir, there has been a tremendous improvement in the Emergency. I would be the last to deny, but the fact remains, as the hon. Nominated Member, Mr. Hopkins, said, that there are still gangs active in the settled areas; some of them up to 20 and that sort of thing in size and there is no doubt that on both sides of the Aberdares considerable

hardship is being inflicted on the farmers as a result of the denial of food regulations which are still being enforced and which will have to be enforced for some time in order to deny food to the *Mau Mau*. Nevertheless, I feel bound to add that I am convinced that had there been a greater readiness in the past on the part of Government to accept proposals and suggestions emanating from this side of the Council, the Emergency could have been finished very much more quickly. Unfortunately, there was a good deal of vacillation and lack of decision and it has undoubtedly prolonged the Emergency unnecessarily.

Now, Sir, I do not want to indulge in recriminations but to illustrate what I have in mind, I will quote one or two examples. For instance, villagization. Now His Excellency, in his speech, said: "The remarkable improvement in the Kikuyu Land Unit has come about following the completion of the policy of drawing people together into villages and the changes made in the former Kikuyu guard".

Now, Sir, in February, 1954, when I made a very strong plea for the introduction of compulsory villagization in the Kikuyu Reserve, my hon. friend, the Minister for African Affairs, replied in the following words: "The hon. Member for Mount Kenya, Sir, talked about villagization among the Kikuyu. He rather recommended a general order for villagization and I would, Sir, like to ask him to give this matter further thought and closer study and consideration. It is a very serious recommendation to make and I really would shudder if I could visualize an order going out of this nature saying that in a month's time or two months' time, every Kikuyu must be villagized". He said a good deal more on the subject but that, I think, represents the gist of his remarks. But, nevertheless, later in that same year compulsory villagization was introduced. I believe that had the proposal been accepted when it was made or, indeed, when I first put it forward through other channels, a very considerable amount of time would have been saved and the Emergency might have been shortened to that extent.

Again, Mr. Speaker, Sir, there is the matter of tracker teams. Over a period

[Group Captain Briggs]

of many months, hon. Members on this side of the Council made repeated requests that tracker teams—specialist tracker teams—should be formed and trained and used, and I would add that the hon. Member for Aberdare was in the forefront of the battle for that particular thing to be done, both in this Council and through other channels. Tracker teams were, as you know, eventually introduced, but as I say, only after a long delay. Again, I would suggest that the Emergency would have been shortened had the suggestions from the hon. Members on this side been heeded.

Now, Sir, I have drawn attention to these matters because, I think, they show a very dangerous tendency on the part of the Government. Prior to the introduction of the Lyttelton Plan, the Opposition enjoyed an overall majority in this Council. To-day, the position has not only been reversed, but the Government has an overwhelming majority which is clearly one of the more sinister intentions behind the Lyttelton Plan. In these circumstances one would have thought that a wise and strong Government would have paid particular attention to the views expressed by the Opposition, and that they would have studied those proposals objectively and not have turned them down as they so frequently do out of hand.

Now, Sir, what I am leading up to is that during the last sitting of Legislative Council, I moved a Motion dealing with the danger of the *Mau Mau* movement infiltrating into the trade unions as one of the means of going underground. Yet, in the course of the whole of His Excellency's speech, there was not one word concerning the known intention of *Mau Mau* to go underground and there was not one word as to how the Government would propose to deal with it if that happened; nor were there any words suggesting that any heed whatsoever had been paid to the very serious warning given by me and voiced by other Members speaking in support of the Motion I have referred to. On the contrary, His Excellency reaffirmed Government's policy in these words: "Government will continue to further the healthy development of trade unions and to this end it is proposed to hold further courses of instruction similar to

those which have already been so successful". Does the Government seriously believe that they can maintain a healthy trade union movement by means of courses of instruction? If they believe that they can exclude *Mau Mau* from the trade unions movement by courses of instruction, I can only suggest that they are living in an ivory tower and completely divorced from the world of reality if they believe that. I would urge Members of the Government to read the report in *The Times* of, I think, 13th October of a speech by the Chief Minister in Singapore, dealing with the parallel problem of the infiltration of the Malayan trade unions by Communists. I will not quote from his speech because it was a somewhat long one and it was also expressed in somewhat picturesque and strong terms, perhaps too strong for the Members of this Council.

Now, Sir, in the course of the Trade Unions debate I believe I made it clear, beyond doubt, that I am not opposed to the growth of the trade unions in this country, where there is a demand for trade unions, but for the Government to continue to foster that growth under the present conditions, I consider to be an act of the greatest folly. The inevitable result will be the resurgence of *Mau Mau*, resurgence of bloodshed and suffering and I beg them not to ignore this warning, merely because it emanates from this side of the Council.

In my opinion, until conditions of complete normality prevail, it would be an act of madness not to exercise the very strictest control over trade unions in this country and any allied organizations.

I will now, Sir, turn to some of the more important omissions from His Excellency's speech. Now, I would have expected some statement in regard to the alleviation of the hardships which the farming community in the disturbed areas have been exposed to due to the denial of food regulations. The hon. Nominated Member who seconded this Motion has already referred to that matter and I would like to add something to it.

Now, the main effect of the denial of food regulations has been, undoubtedly, that stock thefts have been cut down to

(Group Captain Briggs) a fraction of what they were even a few months ago. The result has, of course, obviously been to make the gangs extremely short of food. In addition to that, the reduction of the thefts has cut down tremendously the calls on Government for compensation and has resulted in the saving of very large sums of money. But, in plain fact, what has happened is that the Government has transferred the burden on to the shoulders of a very co-operative farming community. What I would like to have heard in the course of this speech was that the Government would make some portion of the savings that had been effected, as the result of the denial of the food regulations, available to assist those farmers in the disturbed areas who have suffered severely as a result of these regulations and to enable them, who have exhausted their resources, not only to carry on but to rectify some of the very large-scale damage which has happened on their farms: due to overgrazing and that sort of thing. I might add in some cases, the decimation of their herds.

I would also ask him to consider the matter of rehabilitation loans for those farmers whose farms have been seriously damaged by the denial of food regulations. Probably some of the Members of this Council do not appreciate what happens when a large farm, in dry country, has to confine all the cattle into one *bonia* for very long periods. In the case of the Mweiga/Ngobil area some of the farmers there have been close *handa* now for over two years. The reason I ask him to consider this matter of rehabilitation loans again is that some time ago when I raised this matter in the Council, he gave some indication that Government would be sympathetic about doing something of the sort. At that time I think I asked for rehabilitation grants. Well, if he cannot make this money available in the form of a grant, which obviously would be the most satisfactory solution, then I would ask him to consider the question of interest-free loans to farmers so that they can take steps to rehabilitate their farms, put them into order and perhaps provide water in other parts of the farm so as to relieve those portions of the grazing which has been completely ruined. If he

can do that I would also ask that repayment of the capital should be treated, from the income tax aspect, as normal expenditure. I do not think it is fair to expect the farmer to pay twice over for doing his duty by the country.

Now, Sir, these is another aspect of compensation to which I would like to refer. His Excellency in his speech made no reference to the question of compensation to loyal Kikuyu who have had their land taken over for the purpose of constructing villages and guard posts, and similar purposes. We are all, in this Council, well aware that that has to be done in a great hurry and that it was not possible at the time to make any arrangements for compensating the people concerned and that, indeed, it would take time to trace the actual owners of the land. But the fact is it is causing very great hardship and a sense of grievance amongst those loyal Kikuyu who have lost their land and have so far received no form of compensation. I do suggest that one way in which this might be dealt with, provided, of course, that the forfeiture of land of terrorists is progressing, as we hope it is, and that it is being done really effectively and on a wide scale. Well, in that case, I would like to suggest that that land should not be made available for any particular public purpose, which is generally the idea, but it should be made available for compensating these loyal Kikuyu. I have, no doubt, that the hon. African Representative Member, Mr. Mathu, who knows a great deal more about this, no doubt, than I do, will comment on this when he speaks.

Now, Sir, I have already referred to the success of tracker teams. I believe that it is absolutely essential that they should be maintained as highly specialized bodies. I think I should make it clear that I am referring now to police tracker teams because I think we shall require them in this country when perhaps the military ones are no longer with us. To do what I have in mind, I would like to see them regarded as a *corps d'élite* with special rates of pay and allowances and special conditions of service. This, I believe, would introduce an element of competition amongst the keenest members of the police and should help to keep up the standards of

(Group Captain Briggs) for this branch to a high pitch of efficiency for some years to come.

Now, amongst other notable omissions from his Excellency's speech, I would mention the following. There was no reference to road development. There was no reference to the development of European agriculture. There was no reference to measures Government propose to take to stop inflation and, indeed, I could go on and produce a very long list of omissions which I am quite sure, other hon. Members who are going to speak after me will make every endeavour to bring out.

Mr. Speaker, Sir, having regard to what I have said, I beg to support the Motion.

MR. CHANAN SINGH: Mr. Speaker, Sir, I support this Motion and wish to express my appreciation of two facts recorded in the address of His Excellency.

One fact, which is bound to give satisfaction all round, is that there has been a very marked improvement in the Emergency situation. The second fact is that the Government is conscious of the needs of the people of the three tribes who have been affected by the Emergency. The Government seems to be doing everything that can be done for the welfare of the people who have been affected by the Emergency. I especially give my appreciation of the efforts that have been made to absorb the people who have been shifted from their areas of work into other useful work.

Now, Sir, it is satisfactory also that the tone of the address is mild and is non-controversial. This is perhaps due to the fact that we have a Government which consists of representatives of all races. The Lyttelton Plan which, if I can borrow a phrase from the Mover of this Motion, is a "much maligned" plan in certain sections of Kenya's population, has done us this good; that it has done away with unnecessary controversies. I do not agree with those people who seem to make out that the Lyttelton Plan is something utterly useless. I think, Sir, that it is a very big advance on anything that Kenya had before and everybody who has the interest of the future of the

Colony at heart should give that plan his whole-hearted support.

Now, Sir, the Mover of the Motion also told us that Kenya is "a much maligned country" and the countries where Kenya is so maligned are, according to him, India and Ceylon because these are the only two countries that he visited recently. So far as Ceylon is concerned, she has no special interest in giving a bad name to Kenya; there is a very small number—a negligible number—of Ceylonese in Kenya. Now I myself, was in India for about six months last year and I tried to obtain a cross section of the Press views. Views about Kenya are occasionally published but I did not find any special eagerness on the part of the Press to get hold of news on Kenya. There are very few papers that have correspondents in Kenya. In fact, we know that British papers have a much larger number of correspondents in Kenya than Indian papers have, and than the Indian papers can ever afford. My own view is that the Indian Press gives only a fraction of the space given by the British Press to news about Kenya. But it is the occasional utterance that catches the eye of the people in Kenya and that gives us the impression that Kenya is very much being discussed in the Indian Press and on the Indian platform.

Then, Sir, while on the Emergency, I wish to give my whole-hearted support to the proposal made by the hon. Member for Mount Kenya for the payment of compensation to the people whose land has been taken away for the purpose of building villages. I do know a little about this matter, because this matter was discussed in the Unofficial Members' Organization. There does seem to be a great deal of hardship from which many people in the Kikuyu areas are suffering and I do think the Government should give this matter early attention.

Well, Sir, the address promises a large number of White Papers. I can only express my hope that the contents of those White Papers, when they are issued, will be satisfactory. The first news that all Members on this side of the Council are anxiously awaiting is news about the recommendations of the Coutts Commission. I earnestly hope that those

[Mr. Chanan Singh] recommendations will satisfy the demands of the African community and will give them what, I believe, is rightfully their due.

Then, Sir, the address mentions the Royal Commission and says this about its report, "The report is the most important and highly complex document. It covers a very wide field and deals with issues which are fundamental to the life and well-being of the whole of East Africa." This is not, I agree, the occasion to discuss the contents of the Royal Commission's Report, but I do not agree that the report is a "complex document". It does necessarily cover a very wide field, but the issues are quite straight-forward if we are prepared to face them.

The other subject, Sir, to which the address gives some space is education. Here it is a matter of satisfaction to us—the Asian Members of this Council—that the Government is going ahead, this time at least, with the Development Programme. There is one matter that I wish to mention and, in mentioning it, I do hope the Education Department will give it proper consideration. We raised during the debate on the Lidbury Report the question of the status of headmasters of Asian Secondary Schools. We have followed that matter since, but no definite conclusion has been come to, but I do wish to say that that is a matter which has exercised the minds of my colleagues and myself very much indeed. Even in our chief school—the Duke of Gloucester—the headmaster has not been given proper status yet. That is our biggest and oldest school; but nevertheless the headmaster is in a much inferior position to the headmasters of Secondary Schools for European children.

There is one special need in this connexion—that is the need of a hostel. I believe there is money available in next year's Development Estimates, but somehow delay is taking place. We have no hostel for Asian children. There are hostels attached to the Training Centre, but no Asian schools have hostels. I think the time has come to provide at least one hostel to begin with for the Duke of Gloucester School. That will provide a much-needed improvement and will also give us what we have been so long asking

for—the raising of the status of the headmaster.

And, Sir, in connexion with education, one recent improvement I must mention—and that is the Education Department has recently appointed for the High School Specialist Inspectors. That is a very good innovation, and I am sure it will do a lot of good to Asian education. Specialist Inspectors are certainly more capable of doing their job than general inspectors.

In regard to Primary Schools, the system of Assistant Inspectors or visiting teachers is very useful, and I think the team of visiting teachers needs to be strengthened. That is one way of raising the standard of primary education. But, Sir, while on this subject of inspectors, I must make one thing clear—the increased number of inspectors, and their increased activities, must not mean that the position and prestige of headmasters will be lowered. I do hope the Education Department realizes the need for discipline and, if one thing is necessary in the interests of discipline it is this. The headmaster alone should be responsible for discipline in the school. The inspectors should suggest improvements in methods of teaching, but if it is necessary to punish or transfer the staff of a school that should be done in consultation with the headmaster. There is a feeling that European High Schools are not subjected to so many inspections as Asian High Schools, but I personally do not object to that, so long as it does not in any way lower the position of headmasters.

The next matter to which I attach importance is that of immigration. Here, again, Sir, we are promised a White Paper, and here, again, I express the hope that the White Paper will be found satisfactory. The new system of "pool immigration"—about which we have been reading in the papers—seems a very interesting development. I do hope that if there is need this system will be extended to other groups of industries, and to people from other areas, although my personal belief is that we should rely on individual immigration rather than on group immigration. We should consider all applications on merit, and strictly on an individual basis.

[Mr. Chanan Singh]

Well, Sir, there is one matter which I wish to mention next, and that is the question of technical and commercial training for Africans. It is gratifying to note that the Royal Technical College will be ready to take students next year, and also there will be, in addition to the College, a Technical Institute, and that the Government is also building a Trade School at the Coast. This is all very satisfactory, Sir, and I wish to give my whole-hearted support and appreciation of the efforts of the Government. I do wish to say on behalf of the Asian community that we welcome all efforts that can be made to give the members of the African community training in technical matters, as well as in commercial matters; and one advantage that may come out of better training given to Africans will be proper encouragement of trade unions. If there are workers who are properly trained, then there will be an inclination to form interracial trade unions. I am sure that development will be all to the good of the Colony.

The Government—it appears from the address—sincerely believes in the system of "collective bargaining and agreement". That is the proper outlook on industrial relations. I think, before it is too late, we should give proper attention to trade unions. To ignore that matter—as is sometimes suggested—or to make unreasonably harsh regulations in regard to trade unions will not help anyone. The time has come when we cannot stop the formation of trade unions. They will be formed in any case, whether we like them or not. It is better, therefore, to come out in the open to assist the trade unions by proper laws and regulations, so that they will be run for the benefit of workers, and for the Colony as a whole—not for the benefit of individual leaders of trade unions. Once we make sure of that, we will have done all that is necessary to put trade unions on a proper footing.

Now, Sir, the recent development in the direction of ordinary wages councils is very welcome indeed. I think that is the direction which is very natural in the circumstances of Kenya. Wages councils bring the employers and employees face to face. They can discuss their problems and can be assisted in coming to decisions by impartial mem-

bers of the wages councils. I think, Sir, that it is still time to learn a lesson from the advanced countries of the world. Once we provide trade unions with an effective and fair method of adjudication of disputes we, I am sure, drive strikes miles away. That is not to say that the trade unions should not, in the last resort, have the right to strike, but it is in the interests of society to give all the assistance that we can to avoid strikes, and to keep them as a sort of "hanging sword" for both workers and employers—not a sword to be used, but only to be used as a threat.

Well, Sir, the Government has also recently given attention to and provided satisfactory amounts of money for housing. So far as Asian housing is concerned, I wish to repeat what I have said before—that the real need is land. If the Government assists in this direction, it will have gone a long way in providing housing that is badly needed. Two lots of plots—as is well known—have been made available. They have all been taken up and most of them have been built upon. Still there is a long list of people who want plots. I think the Government should make available a reasonable number of plots which will meet the present needs of the population. Finance is also needed, but that is not so urgent a need. The individual who is given a plot can look after that. He can borrow finance from building societies or from his friends, as he likes, but in the present conditions, when rents are very high, it is necessary that more housing be made available. In Asian areas, especially since the decontrol of new houses, rents have gone very high. Ten per cent was talked about during the debate on the Rent Control Bill as a reasonable return on capital. That seems—in Asian areas at least—the very minimum return that the landlords take. The rents have soared so high that I am sure some of the landlords must be making more than 15 per cent. The only reason for this is that there is not sufficient land available for people to build their own houses. When land is made available, the Government should, I think, give more attention to the method of allotment than it has given in the past. I personally would prefer that the plots are allotted by the Land Office itself rather than by an advisory committee. It is most necessary, Sir, that

[Mr. Chanan Singh] we avoid personal influence and friendship coming into the allotment of plots. It cannot be stated that influence and friendship have been avoided in the past. After all, it should not be difficult to devise some objective test of the fitness of an applicant for a plot. We can judge his needs. We can see how long the family has been residing in Kenya—whether they have made Kenya their home—and we can also judge their other needs objectively. I am sure that can be done by one fair-minded officer in the Lands Department better than by a number of people who have lived in Kenya for many years and have, during those years, made a lot of friends. (Cries of "And enemies.") Well, enemies are ignored on those occasions. It is only friends who are remembered.

Sir, the next matter to which I wish to refer is my favourite subject of the Civil Service Commission. The other day we created in this Council the post of a Deputy Chairman. Well, Sir, my information is that, although the Deputy Chairman is intended to preside at meetings of Selection Boards, these Boards most often consist of one individual. I do not know over whom the Deputy Chairman is going to preside. In any case, I wish to suggest it is most undesirable in the beginning of a system of non-racial scales that an important appointment be made on the recommendations of a single individual. It has happened more often than not, I am told, that the Commission nominates one person to interview the candidates. I am sure the results are scrutinized by the members later on, but it is the interview that is of fundamental importance. It happens sometimes that the head of the department who has not given an applicant good recommendations is the other person at the interview. Now, Sir, at such an interview one can imagine that nothing much will happen. I do not see any difficulty in appointing at least two persons to such Selection Boards. I have also heard complaints that it is very seldom indeed that any non-European member sits on the Selection Boards. I do not know the reason. Have the non-Europeans no time to spare to attend the meetings, or are they not invited to attend the meetings? It may also be that the number of non-Europeans is very small, and they cannot

afford the time to attend all the meetings, so that they remain absent from a large number of the meetings: If that is the reason, Sir, will the Government consider the advisability of a system of alternate membership, so that if a certain member cannot come, he can send his alternate? In this connexion, Sir, there is one other suggestion that I wish to make. Is it possible to publish lists of the successful candidates? It is not necessary to publish lists of all the candidates, but I do think that the names of candidates who have been successful in getting appointments should be published. It has been usual in the past to publish the names of officers appointed to senior posts only, but I think, Sir, that now that the Civil Service Commission is here the time has come to publish all the names. If that cannot be done through the *Gazette*, then at least periodic reports should be issued by the Civil Service Commission giving the names of the posts and the persons who have been appointed to those posts.

The address mentions another very important subject, and the Mover of the Motion also spoke on it. A committee was appointed some time ago to consider the question of hospital services for Asians and Arabs, and we are told that some news will be available shortly which will tell us what help Asian and Arab patients will get. Well, Sir, this is very welcome; but I do sincerely hope that any help that is given will not introduce the system of racial taxation in this matter. If that is done, it will be something which will be very objectionable, and even the provision of financial help will not justify the introduction of racial taxation.

Lastly, Sir, I wish to make a few comments on another paragraph of the address which refers to the revision of laws. We are told that the Indian Evidence Act which has applied to this Colony for many years will be replaced by a local Ordinance. Well, Sir, this is one thing which I cannot welcome. The Act has been in force for a long time. All the legal fraternity has known it, but I do hope when the new Ordinance which must come out will not be much different from the law we have known in the past, and that any changes that are necessary will be made with a view to bringing the present law into line with British law.

[Mr. Chagan Singh] I hope that any departures that are made from British law will be placed before public opinion for a reasonable time, and that the Government will not rush through an important law like this without giving sufficient opportunity to people to consider the new law.

There is also reference to Emergency legislation. The proposal is that those parts of the Emergency legislation which have proved their value and suitability for incorporation in the permanent Statute Book should now be put in the Statute Book. My view is that these parts of Emergency legislation have proved their value during Emergency times—not during normal times. I think this is another matter about which there is no need to make a hurry. I think this is a matter which needs very careful attention, because a law may be very useful and necessary during an Emergency, but it may not be useful during the normal times.

Now, Sir, while on this subject of revision of laws, I wish to invite the attention of the hon. Minister for Legal Affairs to the fact that the Hindu law in this Colony is in a very uncertain state. A nebulous sort of Ordinance was passed some years ago which has not been much used at all because it in effect does not say much. The Hindu law has been revised in India, and is being still further revised. I think, Sir, the time has come to consider this matter also with a view to seeing whether or not we can incorporate the reforms that have been introduced into this branch of law in India. In my view, Sir, this can be done simply by defining Hindu law in the existing Ordinance as the law applicable to Hindus in India.

AN HON. MEMBER: Why?

MR. CHANAN SINGH: Because that will save a long Ordinance. Otherwise we will have to draft a long Ordinance, pass it and print it.

AN HON. MEMBER: Go back to India!

MR. CHANAN SINGH: If we have to go back to India to have a better law, I am sure things will be very much changed in Kenya, because we are not the only people who are provided with laws which come from other countries.

On this particular matter of Hindu law, there is one subject which is of

very great importance. Polygamy has been abolished by Hindu law in India; but here it still seems to prevail. I think this is one direction in which reform is very badly and very urgently needed.

I beg to support.

MR. MATHU: Mr. Speaker, Sir, like other previous speakers, I should like to support the Motion before the Council and to make a few observations on some of the points that arise from the address from the Chair.

I agree, Sir, with the address, where it pays tribute to the Security Forces of all sections who have made an improvement in our Emergency position. I should like to say, Sir, that although I agree with my hon. friend, the Member for Mount Kenya, that there is hardship in certain areas as a result of the denial of food regulations, it is, I think, that factor in the Emergency which is very important to wipe out those gangs that are still left in the forest and in other places. It appears that other things that are used—weapons and so on—are almost exhausted, and they just want to live as bandits really, for no purpose, and I think one of the most important weapons now is to deprive them of food and let them die and rot in the forest, as they wish to do.

The other matter, Sir, which His Excellency referred to was the question of concentrating people in villages in the Central Province. I should like, Sir, to say that these villages were very important factors in helping us to win the battle against the *Mau Mau*. Now, when we sit, Sir, these villages, I do not think any blame can be laid at the door either of the Administration or the Security Forces, because there was no time at that time to consider where to site these villages or to even consider who owned the land and the crops, and that kind of thing, but the situation having improved—as it has done now, Sir—I do feel very strongly that the Government, as a matter of urgency, should consider this matter, and put right what went wrong—again, as I say, without any blame at the beginning of putting these people into villages for security reasons.

Sir, the factors that are annoying the Kikuyu at the present moment are that the landowners, when the villages were

(Mr. Mathu) sited, were not consulted. The crops that were standing in their land were destroyed. No compensation was given, and people were put on their land who had no right to be there at all, and the landowner wants to know is the land his? Has the Government taken the land and given it to all and sundry without respecting the rights of property of the landowners? These are the questions, Sir, that are going on in the minds of the landowners who have been deprived of their land at the present moment. Some of them, Sir, have had their holding completely gone. Now, in these coming rains, they do not know where they are going to plant the crop at all, and the question, Sir, is what Government is doing to make sure that these people will have their livelihood who have lost their land as a result of planning villages in their land.

Sir, some of the people who do not own land go about saying, "Well, I was a tenant somewhere else without any right. Now I own land. Government has given me it, and I am staying here happily and I will not pay any respect to the landowner because he never gave me the land". Now, these things are going on at the present moment, and I am suggesting, Sir, that there is nothing—nothing—that will create such hatred and bitterness among the Kikuyu to the authorities of the future than this issue. There is nothing. We are planting trouble now, and I suggest, Sir, that there is nothing that you can say is more urgent in settling at the present moment if we have to make sure we have friendly communalities in the years to come, and I should like, Sir, to put it to the Government to go into this matter urgently. I know—I have already been in discussion with the Minister for African Affairs—and I do know that the matter is under consideration, but this is not a matter that can be under consideration any longer, because the tension in the Kikuyu land now as a result of this matter—it requires a man to live among them to believe what is going on. Now, some years back, the extremists were saying that the European had robbed the land of the people. They are saying it now. The Government has brought that on. Of course it has. It has given the land to the people.

Now, my friend here talks about *Mau Mau*. Fortunately you still have, thank heavens, a large number of Kikuyu people who are supporting this Government, and there has not been any consideration at all, and if you talk about *Mau Mau*, that is a very easy way of shirking the problem, and that, in my opinion, Sir, is not the answer. That is the basic and most important problem which is going to trouble future Governments of this country for years to come. They say, Sir, that whenever they want to put these villages, they usually choose the best land, when there are places nearby, but they usually choose the most fertile pieces of land and put the villages there. Now, any man would say if it is just a village they should put it in a rocky place, or in a plain, where people would not feel they need it, because they would not grow crops there in any case. But now the most fertile pieces of land you can think of, Sir, is where most of these villages are placed—not in every case—but I do not think anybody can say they cannot find rocky places all over the countryside. Far from it. But one would like to see consideration being given to the people in this regard. Now, Sir, I should like to urge very much indeed, with all the strength I have, of Government to take very quick action in this matter.

The second point, Sir, I want to mention very briefly is the question of agriculture. The Governor, Sir, did say in his address the progress that we are making in agriculture and I think I entirely agree with him. There are two points only I would like to mention. In regard to cash crops he said that in Meru they had 10,000 African coffee growers. Well, that sounds a most impressive number, Sir, 10,000 coffee growers, but what the speech did not disclose was how many acres does that cover. How many trees per head does that cover? The usual 100 trees of limitation is still exercised, and I hope the Minister for Agriculture will go into this again, and see whether he could increase the inspectors for coffee and allow people who choose to have as many trees as they can manage, because that is the thing that is absolutely necessary, Sir, in regard to these cash crops. As long as you have these 100 trees limitation, then I think we are covering a lot of money

(Mr. Mathu) which we would otherwise get by allowing these people to grow coffee more extensively.

There is another small point to mention—to ask the Minister for Agriculture whether he proposes to appoint an African Parliamentary Secretary to his department, as it was agreed to do a few months back. It is all changed since then, but you leave the African fellow out every time. I cannot understand it, and I understand the reason is he is looking out for the most incompetent person. That is why he cannot get them quickly. The competent people stand out everywhere prominently—as the Minister for Forest Development will tell you, because he agrees with me. The good trees are easy to pick out quickly, but when you want a lichen or moss you have to go to hunt with a lens, and I understand that is the position, and if it is not, I apologize to the Minister who said why it takes too long to name a Parliamentary Secretary for his department. He has mentioned to me reasons for delay—in fairness to him—but I do think the Africans are waiting for this, and I do think, if we have to continue to support this Lyttelton Plan, as we have pledged ourselves to do, we want expedition in these matters—it is the way the Minister used to talk—the question of need for urgency in these matters, but now he is seeing it from the other side there is no need for urgency. He steadies down and waits for years to appoint a Parliamentary Secretary. I do not know what they do when they cross the floor.

Well, I welcome, Sir, the statement by His Excellency that the report by Mr. Coutts on the African elections will in due course be published, and I should like to say, Sir, that this is another matter that the African is awaiting most eagerly, and if the report is out, why should it not be published, Sir, immediately? The Government is considering it and the African people also are considering it, but they want to keep the report—keep their White Paper—and ask us to debate it the following day. This is a matter we want quickly, and I suggest, Sir, that the report should be in our hands quickly—at any rate, as far as advance copies go. We are very keenly interested in this matter. I hope

the Chief Secretary will look at this and see what can be done.

Another matter I would like to refer to is on African education, and welcome the very excellent programme that His Excellency outlined for the development of African education. There are two matters, Sir, which I should like my hon. friend the Director of Education to take note of, and that is he talks about an accelerated programme of the development of African education. Now, the African has said he wants compulsory primary education in Nairobi—free schools. He is using cheaper materials to put up free schools, and that is acceleration! It is, of course, for free schools; but I think, taken all round, it will be found that the use of pumice, which they talk about, would be more expensive in the long run, because I think the life will be shorter than using traditional methods. I know very well the Minister for Local Government will tell me he knows better. Well, let us see by the passage of time and I think he will come and tell us it has been very expensive, and they want extra money—or something of that kind.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Forty years!

MR. MATHU: Well, that is excellent.

The point I want to underline is, We have been into this matter before, and I know—and the Director of Education knows—that we are prepared—the African community is prepared to pay any amount more—in fees or in taxes—to make this scheme work—compulsory primary education for Africans in Nairobi. It is only then that my hon. friend, the Member for Mount Kenya, would not worry about the infiltration of Communism or *Mau Mau* when you have the youngster early under discipline in schools, but when you have them running in the streets I think we will have trouble all the time.

The second point I want to mention on education is a point that is again a hardy annual with us on the promotion of teachers to the administrative posts. The recent annual report, Sir, of the Education Department says that we have now one African Education Officer. One—I think that is something big—one. Well, there are hundreds of teachers who have

(Mr. Mathu) done this country wonderful service, and the promotion is as slow as anything, and I do suggest to him, Sir, that we are most dissatisfied with the way he promotes his teachers for administrative posts. We know the men are there—men with ability and experience. Who can tell us what is preventing him to promote these men to higher posts in the Education Department? It is possible he will say the Teachers' Service Board or the Civil Service Commission, but the first recommendation coming from him is listened to, and I do think, Sir, the blame lies at his door, because he really should be the leader in these matters, because he controls the other departments. The Africans can hold positions of responsibility because he disciplines them, and by not doing that I think he misses the most important opportunity of getting one hundred per cent confidence of the African people.

Three other points and I sit down. One is to welcome again the reiteration by His Excellency the Governor about encouraging trade unions in this country. I have no fears—as other hon. Members have—in this matter. It is in the cause of defence now that we are following the British way of life. This is one of them, and that is exactly what my hon. friend, the Minister for Finance—particularly when he was on this side of Council—talked about a great deal. This is one of the ways of the British way of life—trade unionism. Trade relations cannot be done in any other way, and I suggest, Sir, that we should encourage them and give them any help they need in order that we should have—as I say—happy and friendly relations in this country. I understand, Sir, that when my hon. friend, the Member for Mount Kenya, moved his Motion on trade unions—I was not here—no tribute was paid to the Secretary of the Federation—the Trade Union Federation—for his settling of the strike in Mombasa. I may be wrong, but I understand that no tribute was paid to him at that time. He saved this country thousands of pounds by stopping the strike in Mombasa, and I should like to take this opportunity of paying my tribute to him—Mr. Tom Mboya—for the part he played in settling the strike in Mombasa.

On trade unions I should like to say a word about the Rural Wages Committee. This committee was appointed some months back under the chairmanship of the Chief Secretary, and I personally do not think that it was wise for the Chief Secretary to be the chairman of this committee. He is a very busy man. He is head of the Government and the committee requires him to take evidence all over the country. He has not got the time to do the job. I know there is one good thing about it. It gives the committee dignity because their chairman is the leader of the Government, but at the same time I suggest, Sir, that a man not as busy as he is would have been a better person, so that they can have meetings—sit—and have the report quickly, because the rural workers feel they have been done down in that there has been improvement in the urban areas about wage conditions moving rapidly, and so on, and in rural areas they are marking time, and I would like to say, Sir, if the Chief Secretary is going to speak on this, to indicate when he expects to introduce this report, because it is an urgent matter. Again, as I say, the rural workers would like to know what their future is going to be in regard to their remuneration.

THE SPEAKER: This will be a convenient time to suspend business for the usual fifteen minutes.

Council suspended business at twenty minutes past Four o'clock and resumed at thirty-five minutes past Four o'clock.

MR. MATHU: There are two further points I would like to make briefly before I sit down. The first is in relation to local government as referred to by His Excellency in his speech.

Now the two points, Sir, I would like to ask the Minister for Local Government when he speaks to reply is, what schemes has he got in forming county councils in the African District Council areas? He has gone ahead very rapidly since he took office with regard to the European county councils and we would like to know whether he has schemes of a similar nature in regard to African District Councils?

The second question, Sir, is the financial relationship between the African District Council and the Central Government. This examination that His Excellency referred to has been going on

(Mr. Mathu) for a long time. In fact at one time Mr. Troughton, the Financial Secretary, produced a report on this, but this was many years ago and then the matter, I understand, went to the Treasury and they were examining it, again many years ago. I should like, Sir, to say that this is a matter that requires some form of finality, so that the African District Councils may know exactly where they stand in relation to the subsidies that they get from the Government for their programme. I think it is a most important matter, Sir, and I ask the Minister whether he could indicate whether he is getting this finalized soon or what?

The other matter, Sir, also relates to the question of housing in African areas, Sir. The particular point I want to raise here is that I do know that there have been strides made in providing houses for Africans in all the towns and it is a matter of just filling up the gaps as things go on. But the Tenant Purchase Scheme is the one I want to refer to specifically and to ask him, Sir, whether he could not consider, in spite of the reply I got from him this morning or early this afternoon, the question of getting the tenant purchasers, when they actually pay off the loans, or if they have borrowed loans through the Central Housing Board, to have a title deed for their own plot.

Now, the other category of people is those who actually use their own money to build houses. There is, Sir, the Vasey Scheme at Thika and there is, of course, the Bahati Scheme here in Nairobi, and, in spite of what he told me early this afternoon, I do urge him to reconsider this matter in consultation with the local authorities, because I do know, as far as the Thika Scheme is concerned, one of the things that went wrong there, was that the Africans felt when they put all their money—some of them, of course, did it on their own without borrowing money at all from the scheme—they did not know when they would be evicted because they had no documents whatever and the risk is terrific of people putting money in that way and, of course, they do it by sacrificing everything to it. It is a matter, Sir, that is of tremendous importance and I suggest, Sir, if development is to be carried on, and the African being a part of it in these towns, a title for houses of this kind including, of

course, shops and things, is a matter that would require tremendous importance. The former Mayor of Nairobi criticized the money given by the United States recently to help African traders, and said in Nairobi, at a public meeting, "How can you lend money in any other way other than on a commercial basis", which meant that you lend against security. In Nairobi they have no security to the extent of borrowing on a commercial basis and, Sir, the answer to that criticism is the one I am suggesting; that they should be given facilities to get these negotiable titles. It is a matter, Sir, as I say, of tremendous importance.

Now before I sit down, Sir, I would like to say that I do feel that whatever other people said, I think in this country, or outside of it, we in Kenya are on the right lines in our development, it may be political, it may be economic, it may be social. I do think, Sir, that we are all here to stay of all races. The Europeans, the Asians and the Africans here have made this country their home and any person who thinks that we can do it any other way than the way we are going at the present moment, has not got the interests of this country at heart, and I would not like to be associated with any person who think otherwise. I say, Sir, that the speech of His Excellency, as the catalogue of development and events of this country, as a community, all of us, is an indication that the future is bright if we all co-operate together as a community for the good of this country.

Sir, I beg to support.

MR. MACKENZIE (Nominated Member): Mr. Speaker, Sir, I am very glad to find that everyone, so far, who has spoken, is so much in harmony with one another and with the contents of His Excellency's address. I think that it is quite clear that a great deal of progress is being made in spite of very many difficulties. That we are able to do so, as was pointed out by His Excellency in his address, is due to a large extent to the assistance which we have received from Her Majesty's Government which amounts in all, in money actually received to date, to £15,000,000 and there is another £9,000,000 on which we can draw during the current year if we need to. £4,000,000 of that, however, will be in the form of an interest-free loan which

[Mr. Mackenzie] will have to be repaid at some time in the future and every effort will, therefore, be made to draw on as little of that as possible. To the extent that we are able to do so will be entirely due to the way in which our revenue has kept up during the past year and to which it is maintained during the current year. At the present time, unfortunately, the Exchequer System of Accounting has not been going sufficiently long for it to be possible to publish comparable figures between what is happening this year and what the position was last year. But the indications, which it is possible to get so far show, that with any reasonable fortune we should, at any rate, be able to achieve the Estimates which were made at the time of the Budget and we may possibly even do better; but that depends on a great many things and I would not like to make any prophecies at this stage.

Another matter, Sir, which, I think, will help us considerably to hold our own in the financial sphere, is the vote of confidence which has been shown in this country by the local investor during the past week. As His Excellency mentioned in his address, the recent local loan has been a great success and has been heavily over-subscribed. The money is needed and will be used to help us to carry on our development programme and it is very gratifying to see that at the present time, when there are great difficulties in raising money in the overseas market, and we do not know how long those difficulties will continue, but it would seem likely that they will not be over immediately; it is very gratifying to see at such a time that the local investor has got the confidence to subscribe in such a whole-hearted way to a loan of this kind.

Now, Sir, I would like to deal with one or two of the points which have been made in speeches from the other side of the Council. My hon. friend, the Member for Mount Kenya, spoke of certain omissions from the address. He said—I cannot quote him verbally but according to my notes, he mentioned—that it was very important to ensure that something was done to alleviate the hardships which were being imposed on the farming community by the denial of food orders. He suggested that since in recent months there has been a very welcome reduction in the amount of stock thefts which has

of itself brought about a reduction in the compensation payments by the Government, something should be done from these savings to assist the farmer to meet the undoubted burdens which he has had to face through such measures as close *boma-ing* during the recent period. The hon. Member also mentioned the possibility of giving rehabilitation loans and making special arrangements as regards income tax purposes in so far as the repayment of capital is concerned.

Well, Sir, on the general question of hardship and compensation, there has, I think, been recently a fall in the losses, but as I am sure the hon. Member will himself recognize that is not immediately visible to any very great extent in the amount of payments being made *ex-gratia* in respect of compensation, although those have fallen a little. The figures for the past six months are May, 1955—£10,830; for June, 1955—£7,241; for July, 1955—£11,869; for August, 1955—£13,476; for September, 1955—£4,771 and, up to the 19th of this month for October, £8,983. Well, those figures suggest that there may have been in the last month or two some slight falling off in the amount of compensation that has to be paid, but it is very slight and, in fact, the figures so far available this month are higher than those for September.

GROUP CAPTAIN BRIGGS: Would the hon. Member give way? Perhaps he would explain to the Council the considerable time-lag between the actual claims, and perhaps the figures he has just given do not necessarily give a picture of the improvement that there has been in the last two or three months.

MR. MACKENZIE: I was about to deal with that point, Sir. The fact is that these payments may represent losses which occurred as long as a year ago or even longer in some cases, although as the various organizations and people concerned with obtaining the information on which the payments have to be made, get more experience, the payments are, I think, being brought considerably more up to date, but even then there is a delay generally of from, say, two to three months at the least. It may be, therefore, that towards the end of the year we really shall notice the full financial benefit of the measures which have been taken.

[Mr. Mackenzie]

But, of course, Sir, as regards the general question of using money to assist the farming community, I am sure that all hon. Members will remember that only very recently the Government has taken over the full payment for the special farm guards at a cost of something round about £100,000. These special farm guards, Sir, were originally used, as everyone is aware, for guarding the stock of the farmer, primarily preventing it from being stolen and rather on defensive lines. More recently the farm guards have been assuming, and will assume in the future, a much more active and aggressive operational role and, in those circumstances, the Government considered that they should be now regarded as part of the regular security forces of the Colony. Therefore, they took over the full payment, whereas previously, 50 per cent of the costs have been met by the farmers. The fact remains that in denying food to the terrorists, the special farm guards will continue to protect the stock and I do think that this measure, costing, as I say, something in the nature of £100,000, is a very considerable measure of assistance to our farming community. Then, Sir, a further measure of assistance that has been given for quite a considerable time, in fact almost from the beginning of the Emergency has been dealt with by a committee of which my hon. friend, the Secondar, has been one Member (and he certainly has given very great assistance and advice in dealing with this matter). A member of the Treasury staff has been another member. This committee has dealt with all cases of real hardship where people have been up against it. All those cases have actually been dealt with and assistance of up to £500 has been given where it has been found by the committee that financial assistance was necessary.

There have been further steps. As regards rehabilitation loans, I understand that special concessions have been made so that people who have suffered from the *Mau Mau* have been allowed to have a rehabilitation loan although their cases would not normally have fallen within the terms on which such loans are generally given. Further measures are that Land Bank interest has been paid by the Government in cases where

people have been hard hit through the Emergency and also a moratoria have in appropriate cases been allowed in respect of interest repayments.

Well, Sir, I think that shows that the Government has taken a very large number of steps to give assistance during the Emergency; that it has not been by any means slow to come to the help of the man who has been up against it and that even at the present time it is taking steps which will not only help to get rid of this movement by denying food to the terrorists but will also continue to have some very considerable effect in helping people to look after their property.

Whilst on the subject of compensation, Sir, I do not intend to deal with the questions that were raised about payment of compensation to the loyal Kikuyu in respect of any land that was taken for villagization as that will be dealt with by my hon. friend, the Minister for African Affairs, when he speaks later in this debate.

I could not help wondering though, Sir, whether it might not have been possible foresight (that this sort of question would arise that made the Minister shudder, as we were told, when it was suggested that he might bring about villagization overnight).

Another point that has been raised, Sir, during the debate was that of the Civil Service Commission. It was suggested, Sir, that the appointment of a Deputy Chairman was not altogether desirable because he and one other member might come together in some kind of two-man cabal and that they would make appointments which might not be in the best interests of the service. That is what, at any rate, I gathered was the suggestion. That at any rate they might be.

MR. CHANAN SINGH: That is not exactly what I said. What I said was that the Deputy Chairman had been appointed to preside over the meetings of the Selection Board, but the Selection Board, in fact, consists generally of only one man; and he was going to be the Deputy Chairman himself, but no member of the Board.

MR. MACKENZIE: With regard to that point, Sir, I was going to mention that

[Mr. Mackenzie]

It has been suggested that the head of the department might be a malign influence. I think that was the suggestion that was made, that the head of department might exercise too much interest or influence in so far as selection boards were concerned. Well, Sir, as regards that, I think that, if I may, I should like to read a short passage from the report of the Civil Service Commissioner for the period 1st January to 30th June, 1955, which actually deals with that particular point. He says, Sir, that it is considered as a normal rule, that people who join departments should look for their normal career in the department which they join in the first place. But he goes on to say that, "Whilst, they should not seek transfers to other departments for the sake of a small promotion, this principle cannot be followed rigidly since in the case of many vacancies there are no candidates suited who can be qualified for them in the department in which they exist and it is necessary to draw on candidates from other departments. Similarly, in the smaller departments there may be the lack of promotion prospects for certain grades and it is necessary to try to find some prospects for deserving officers elsewhere. But, it is probably this general principle that has given rise to the feeling that in some sections of the service, the Commissioner is unduly influenced by the recommendations of heads of departments when advising on the filling of vacancies. In the view of the Commission this is not the case and, indeed, the Commission has in many cases advised Government to appoint or to promote persons other than those recommended by the heads of departments concerned".

He then goes on, Sir, to say, that naturally the views of the officer responsible for the running of the department must be given due weight and the Commission would not recommend that the recent policy of giving preference to persons already in departments should be replaced by a promotion system based on the old parlour game of musical chairs which will be neither in the interests of efficiency of the service or the long-term interest of the service itself. The fact is, Sir, that the Commission is fully aware of the feeling of, or suspicion, or call it what you will,

that heads of departments exercise too much influence in so far as appointments are concerned, but the Chairman says in his report that he is quite satisfied that that is not so and I would certainly add from my own experience of the service that it is a very difficult thing where you have an independent body of the nature of the Civil Service Commission for any head of department to put forward a man for promotion who was not suited for it, or to overlook one who was. That is the whole purpose of having the Civil Service Commission, Sir, and I think it has already begun to do extremely useful work in that direction, and will continue to do so in the future.

There is only one other point, Sir, which I should like to make and that is that reference was made by, I think, my hon. friend, the Member for Mount Kenya, to the fact that one or two other questions have been left out of the address. He mentioned road development, European agriculture and anti-inflationary measures.

Well, Sir, road development is going ahead to the best extent that the finance available will allow, and I think everyone is aware that that is not unlimited. Indeed, in his speech, His Excellency mentioned that it will remain necessary to keep new services to a minimum and to avoid expenditure which, however desirable, is not absolutely essential. That, unfortunately, is something that must colour all the Government's efforts in the field of development and, as I say, the amount of money that can be made available for such services as improved roads is limited.

As regards European agriculture and other forms of agriculture, I am sure that my hon. friend, the Minister for Agriculture, will be dealing with these matters in due course.

Which leaves me, Sir, with the question of anti-inflationary measures. Well, Sir, I did hear on the wireless this lunch-time that the Chancellor of the Exchequer in the United Kingdom will be introducing a supplementary budget next Wednesday presumably with precisely the idea of bringing in further anti-inflationary measures in the United Kingdom, in order to combat inflation there. I assume, Sir, that the hon. Member, and all Members who feel in a

[Mr. Mackenzie]

similar way about this matter, will be able to fully support whatever measures may be taken by the Chancellor in this respect.

GROUP CAPTAIN BRIGGS: I would like to point out, Sir, that I am not suggesting that it will be taken. I am not making any statement of any sort on that.

MR. MACKENZIE: On that point, Sir, I think I should mention that in fact there was a statement somewhere in the address to the effect—yes, here it is; a White Paper will be laid on the Report of the Cost of Living Committee. That will be done, Sir, and, as I say, the Government will give very careful consideration to this White Paper and also to any other measures which may be necessary and, I think I should say in our particular position, which are within the competence of a Government of a country where the economy is obviously not sufficiently large or self-sufficing to enable us to exercise all the influence which we would wish to exercise. Given those limitations the Government will do anything within its power, and always does everything within its power, to see that the economy is kept as stable as possible.

Sir, I beg to support.

SIR CHARLES MARKHAM (Ukamba): Mr. Speaker, Sir, in the daily paper this morning we were told that to-day we enter the fourth year of the Emergency and, therefore, Sir, in view of the fact that His Excellency devoted the early part of his speech to the problems of the Emergency and the reconstruction after the Emergency, I would like to speak on those subjects this afternoon, Sir. Like my hon. and gallant friend, the Member for Mount Kenya, Sir, all of us are grateful for the great improvement in the Emergency which has taken place in the last six months. But, Sir, I was glad that His Excellency told us this is not the time for complacency or relaxation in our efforts and I hope, Sir, that we will not hear any optimistic statements from the other side which might cause people to have a false sense of security, because, I believe, Sir, we are going through a very dangerous time before the Emergency is over.

Now, Sir, in His Excellency's speech we were also told about the co-operation from the general mass of the Kikuyu. I wonder, Sir, whether this co-operation is genuine or whether it is trying to climb on the band wagon of the winning side because a tribe, of which we were told 90 per cent, had taken the oath and quickly switch to become local co-operators, rather sound to me altogether too anxious to cash in on victory. I hope, Sir, that the Government will watch this position very carefully to make certain co-operation does mean co-operation and not just a temporary expediency.

Now, Sir, also in His Excellency's speech we heard that military operations were still necessary and I assume, Sir, that also applies to combined security operations which include the police and the police reserve. It also is obvious that as the tempo of the Emergency dies down so a greater burden will fall upon the shoulders of the police, and I think it is a good opportunity, Sir, as a newcomer to this Council, to express gratitude to the police for the efforts they have made in the Emergency. They are a much maligned body, especially when they pinch you for parking offences, but I think they have carried an intolerable burden on their shoulders, especially with regard to enforcing the many regulations which exist under the Emergency Law.

Turning, Sir, to the problem of reconstruction; perhaps we will hear, Sir, from the other side of the Council a little more about the position of the detainees, of those who are still classified either "black" or "grey"; and also, Sir, those who are classified as being the so-called passive wing who have been detained during various operations in Nairobi and elsewhere. At the time when the last surrender terms were introduced, we were told that legislation would be introduced to prevent those who are called "black", really bad people, from ever returning and I hope, Sir, we will see that legislation in the near future, because I believe it would be of great psychological value to let that legislation come forward quickly to show those people who are bad the determination that they are not going to be allowed to return to their reserve.

[Sir Charles Markham]

At the moment, Sir, there are various people who say that this is only temporary and the Government's memory is short, and that after a few years they will be allowed back; but I think they should have that assurance and the necessary legislation as soon as possible. There is also the danger of the process of returning these people being hurried through political pressure, and I do hope, Sir, that whatever happens political pressure will not influence the return of the Kikuyu either to their homes or to their farms in settled areas: We have been told that the Government proposes to allow some families back to the Rift Valley as an experiment. Well, Sir, it is not for me, not living in the Rift Valley, to comment on that experiment, except to say, Sir, that I hope it will not be hurried through political pressure.

There is one point, Sir, on the Emergency concerning the women, the Kikuyu, Embu and Meru women, and Sir, with your permission, not being a member of the Council during the debate, I would like to read, Sir, an extract from the Minister for Community Development in a debate on the Respect for Law and Order on 27th May. He says, Sir: "Now, the Government is tackling this problem in two fields." That is concerning Kikuyu women. "Firstly, in the prisons and detention camps and for those who live in the troubled areas who might be affected, or who are in the course of being affected by *Mau Mau* infection, we also have organizations to deal with them."

Sir, I am always advocating that until we do educate the women away from *Mau Mau* we will never kill the *Mau Mau* disease. I believe that in many ways it is the women who have kept it going over the past years, and I would like to hear, Sir, from the Minister for Community Development a statement as to what exactly is his intention regarding the education of women away from *Mau Mau*.

Now, Sir, to return for a moment to the period after reconstruction, or you might call it during reconstruction, there are, as my hon. and gallant friend from Mount Kenya did say, Sir, great dangers of *Mau Mau* going underground. During the war that great war-time leader,

Winston Churchill, told us it was equally essential to win the war and to win the peace. And I believe that there is a great danger that if we are not careful we might lose the peace by being too anxious to win the war. This strategy of going underground is nothing new. Indeed, it was the policy at one time near the end of the war when a lot of us thought the German werewolves, as they were called, the Hitler Youth, would go underground, but luckily they took such a trouncing in the last stages of the war, that they had no desire to go underground. There is a great danger, Sir, that *Mau Mau* will go underground, in which case they will do the very thing which a lot of us fear. They will try and infiltrate into various organizations which carry the cloak of respectability.

Now, I know my hon. friend, the African Representative Member, Mr. Mathu, does not agree with this, but we believe, and I believe that the *Mau Mau* will definitely try and infiltrate into the trade union movement and, Sir, again being a new boy, I would like to quote extracts from speeches made on the subject of this passive wing and infiltration. On 26th May, Sir, during a debate on Respect for Law and Order, the Minister for African Affairs had this to say: "I had the impression, certainly, that in the minds of a number of these terrorists, one of their reasons for wishing to surrender and among a certain section of them, was certainly that they came to the conclusion that they could not win this battle of violence and they, therefore, had the idea that they were going to swing over to some sort of political battle, the manifestations, or whatever it may be, in a political significance after the shooting war was over. Sir, I can only say that Government is very fully aware of this and this will certainly be watched, but the danger is not one to minimize". That, Sir, was during a debate on Respect for Law and Order.

Then, Sir, there was a debate on the activities of trade unions. It was moved again by my hon. and gallant friend, the Member for Mount Kenya. In the course of his speech he said, Sir, it must be clear that *Mau Mau* will direct their specific attention to the trade unions and the Federation of Trade Unions. If the Government cannot see that then

[Sir Charles Markham]

I can only say they must have their heads firmly buried in the sand.

In the course of the debate, Sir, the hon. Representative Member, Mr. Gikonyo, said the hon. Member, the Mover, suggested that *Mau Mau* will turn their attention to trade unions. If that is the case, I am sure the Government will not shut their eyes to this. It is part of their duty to see that no undesirable person takes part in trade unionism. Well, Sir, I hope that the Government do make certain that no undesirable member takes part in trade unionism, but I fail to see, Sir, how they are going to find out, and who is going to judge, whether that person is undesirable. In the opinion of this side he might be undesirable and in the opinion of the other side of the Council he might be desirable.

There is one point, Sir, concerning this going underground. It has been suggested by various people in this country that there are advantages in having a rebellion. There are advantages, as my friend the hon. Member mentioned a moment ago, the Representative Member, Mr. Mathu, that you might get somebody else's land for nothing. There are advantages, but I wonder whether any form of economic sanctions will ever be imposed against those areas which become affected in the future. In other words, Sir, should an area become affected by *Mau Mau* would economic sanctions be taken against that particular area? I would also like to know, Sir, whether it is proposed that a Kikuyu Guard should become a permanent feature in the reserves or are they an Emergency measure only? If they are going to remain, Sir, I wonder who is going to pay for them? Also, Sir, although the Minister for African Affairs has given an answer to this in rather a vague form, is the policy of villagization to remain indefinitely in all areas, or again only in affected areas, or if an area becomes affected will the Government immediately start villagization, or whatever the word is, in that particular area?

Sir, we have heard a lot about closer administration. I have only got one appeal to make on this subject of closer administration. That is I do hope, Sir,

that somehow or other they will be able to keep the Administrative Officers, the district commissioners particularly, in their same posts for a period of time. I think a lot of trouble did come in that a man gets to know an area then he is moved away and then somebody else has to start learning again. I understand perfectly that young officers must be moved around, but I think once a man reaches the rank of district commissioner he should stay in an area for at least a period of time, perhaps a minimum of two years. And also, Sir, I would suggest that as an inducement, and not as a penalty, as an inducement, all potential Administrative Officers who want to go into the Kikuyu Reserve should try to learn the Kikuyu language, and I believe that if there was sufficient inducement to stay—if you know the language we can guarantee you a job in a certain area for a period of time—many more younger people would try and learn that very difficult language. I believe, Sir, that in the Administration at the moment we have an extremely fine team, and I hope, Sir, that nothing ever happens which will cause the disruption of that team again through political pressure. The last thing we want to find, Sir, is people appointed to administrative posts just because of the colour of their skins and I suggest we need the very best people quite regardless of colour.

Finally, Sir, to turn to the future again, I believe that we shall need forever a very strong and powerful police force. I think that need is going to be certainly in my lifetime, and probably my grandsons' lifetime, and I think we are going to need a police force based more on the para-military line than the English copper, which we know in the village system in England. We have got to think of some sort of compulsory training for the youth, African youth, of this country. I do not mean military training, but I think some sort of mental training. Anyhow it will start him off on the right lines. It is quite obvious that not everybody can go to the Technical College in Nairobi, but some sort of training, youth training, which will start them off on the right lines. I am very afraid, Sir, of the dangers of the young offender who cannot get a job who then turns into a spy and then eventually

[Sir Charles Markham]

into a criminal, a minor criminal, and finally a major criminal. These sort of persons are absolutely right for African agitation—the sort of person who forms, or did form, the solid backbone of some of the gangs who recently have been eliminated and whatever happens we have got to insist, even though it may cost us money and it is something rare, I understand, for anybody on this side of Council to recommend an expenditure of more money, but spend money to make certain that whatever happens the young offender does not become a spy and then a criminal.

Sir, I beg to support the Motion. (Applause.)

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Windley): Mr. Speaker, Sir, I would like to take this opportunity of expressing my admiration for the unusually eloquent maiden speech of the hon. Member for Ukamba. Unusually eloquent and unusually constructive. I can only say I find myself very largely in agreement with nearly everything that he says, particularly with regard to youth training and the possibility of underground subversion and the like. I will, Sir, in due course, come on to some of the points he raised. I will, Sir, try to confine myself after the excellent speeches made by the hon. Mover and the hon. Seconder to dealing with the points raised by the hon. Members opposite that concern my Portfolio, even at the risk of being accused of a mono-racial line and if the hon. Member for Mount Kenya should feel that, I hope he will be tolerant and attribute it to my devotion to my Portfolio.

The hon. Member for Mount Kenya and the hon. African Representative Member, Mr. Mathu, particularly raised the question of villagization and the hon. Member for Mount Kenya quoted an extract from HANSARD of a speech I made some time ago. In doing so I would like to remind him of the background to that speech and also as usual to remind hon. Members that extracts from speeches taken out of their context can sometimes give a wrong impression. I know that the hon. Member was particularly trying to press for a sense of urgency and not unnaturally to castigate the Government for this lack of a sense of urgency in the past.

I would also like to say I appreciate the stimulus which has frequently been given to this side of the Council from hon. Members opposite. I think it has on occasions been very valuable. On this particular occasion, Sir, the hon. Member at that time was pressing for rather a blanket operation to be done in too much of a hurry and in a period of, I think, two or three months. I would like to remind Members that the enormous work that has been entailed in creating these villages, also to remind Members of the background to which I have referred in previous speeches on this subject, to the way in which this policy of putting Kikuyu into villages has cut across tribal life and the extent to which it has gone against the grain of their whole individualistic character. The way in which, if one remembers, they were devoted to their own small patches of huts on their own pieces of land, on their own *Githakas*, and to uproot them wholesale and put them into a village such as we had to do has been an enormous undertaking. It was necessary in the first stage to pursue the policy as actively as we could in the bad areas. We took the bad areas first for obvious reasons. The planning of these villages, their siting arrangements concerning water supplies, their sanitation and the like has been an enormous task: The work put into them has been on a mammoth scale not only by Government officers concerned—staff of which we were short in the earlier stages of the Emergency; but also on the part of the people themselves who have had to create these villages and build them with their own hands.

Bearing in mind this background, Sir, it was not possible to issue the blanket order which was at that time suggested. We were aiming to finish off the bad areas as soon as possible and this was done under the maximum pressure, and going into the maximum pressure it is easy to say now that a number of mistakes have been made in siting and a number of difficulties created over land such as those which have been described by the hon. Mr. Mathu. This was work done under great pressure and we were at the same time trying to plan ahead in the less bad areas so that the villages could be planned with more care and greater time. The upshot of it is that

[The Minister for African Affairs]

we have a large number of well-planned villages. We have also a considerable number of badly planned villages which are now being sorted out and we will be in need, in a number of cases, to rebuild on different sites and under more spacious conditions. The urgency and the need behind this whole question of Kikuyu villages is the one of security. The need to gain greater control over the population, not only to give them greater security, but to break this contact between villagers and the terrorists in the forest or outside in the reserves. This has, as His Excellency said in his address to this Council, been achieved and this villagization has been a very big factor in achieving the success we have in this way. The creation of these villages is now virtually complete in all the Kikuyu districts. The future policy which has been referred to by the hon. Member for Ukamba, Sir, must, as I have said before, remain to a certain extent flexible, but the future policy on this will be directed largely and mainly by security. We will not in any way alter our present policy until we are sure that it will not conflict with security or with any regrowth of *Mau Mau* or regeneration of the subversive activities.

I still think myself, although I do not want to be dogmatic about this, there will be a degree of return by loyal smallholders and good farmers to their own smallholdings—all in due course. This may well take some years, and I villages who are the village craftsmen—but I feel certain in my own mind that this will occur and that there will also remain a large number of Kikuyu in villages who are the village craftsmen—those without land and those who will probably be agricultural labourers.

I have said, I think, all this before, Sir, in previous speeches, but I would remind hon. Members that in reply to the hon. Member's question as to whether villages are likely to remain permanent or not, I would say, to a large extent, yes, but, to a certain extent, obviously no for agrarian reasons.

The hon. Member representing African interests, Mr. Mathu, who, I know, on occasion, has a rather flamboyant style—if he will forgive my saying so—did rather suggest that the Government

officers who were handling the construction of these villages and planning of them, had gone out of their way to select good agricultural land, destroyed crops to take land from loyalists; and did all this without any consideration or compensation and so on. In fact, he made rather a thing of this. I would like to assure him that in the desperate situation in which we have been, and the need to pursue this policy actively within the difficulties of staff and planning, every effort has been made to try to avoid some of the snags, some of the brutalities which he suggests we might have had in the forefront of our minds, but he has in fact I believe presented a completely wrong and distorted picture as to how we set about this.

The question of siting of the villages, in the first place, is largely related to the question of supervision; by supervision I mean siting villages in relation to Kikuyu Guard Posts or Police Posts or other strong points. This was the main thing when, in the earlier stages, these villages became an early target for attack by *Mau Mau*—attack and murder of loyalists in those villages. For this reason it is not always possible to avoid good agricultural land and the like. It may well be that there are loyalists—in fact I know that there are—who have suffered in this respect. The hon. Member has, I know, a question put down for me to answer on this subject. When I discussed it with him, I did say that I would answer this question, I hoped, later next week, after discussions with the Kikuyu Advisory Council and with the District Commissioner of Nyeri which take place on Monday and Tuesday of next week, and which will have done, I hope, a good deal to sort out some of these difficulties and to make our way clearer in dealing with them—by clearer I mean in a common policy for the Kikuyu districts.

I do realize the urgency of dealing with this and the need to deal with this, and I would like to assure the hon. Member that it will be done and we shall do it as fairly as possible. But, nevertheless, Sir, it must be remembered that under the battle conditions that have pertained in the Kikuyu districts, and the need to press on with this mammoth task of the

[The Minister for African Affairs] construction of these villages and the state of great security difficulties, some injustices and a good many inequalities will have occurred and that this must be regarded as part of the burden that the Kikuyu people have had to bear for supporting *Mau Mau* in the first place. They cannot escape some of the punishments and some of the losses that have occurred, and are likely to occur, through the development of this subversive organization in their midst.

The hon. Member representing African interests, Mr. Mathu, also pressed for a greater consideration of loyalists; in fact, I think he went so far as to say that no consideration had been given to loyalists. I would, Sir, like to deny this, and I would equally admit . . .

MR. MATHU: I am sure in my speech I did not say that. I recognize that consideration has been given to loyalists.

THE MINISTER FOR AFRICAN AFFAIRS: I am grateful to the hon. Member for his intervention because I would much prefer to accept his interpretation of what I may have thought he said. In that event, Sir, I will certainly modify my remarks because it is a fact that we have done our best to give these loyalists every consideration and every support and I still say that these loyalists who have actively fought for us against the forces of *Mau Mau*, have been the spear-head of our attack and one will never forget that. They have been the vital element in the change that has taken place in the situation—both in the attack on the *Mau Mau* terrorists in their own country, and their co-operation with the Security Forces in getting at gangsters in hideouts and those who are lying out in the fields and in the bush. Without their support, and without their help, we should have been very much farther back and made much less progress than we have in inflicting casualties on the other side.

We appreciate all that and we appreciate the need to give them every consideration possible. Nevertheless, it is not an easy thing to do—not an easy thing under present conditions.

The question arises, "Who is a loyalist?" There are a large number of border-line cases—the description can, indeed, on a number of occasions be

most invidious. It can, indeed, be dangerous. There are certain obvious cases with active Kikuyu Guards and the like where the thing is obvious; but with the border-line cases it is not always that easy. Nevertheless, I think that a very large number of loyalists in the Kikuyu districts would appreciate that they are the people who have had consideration in the matter of trading, in the matter of such transport as remains, in the matter of food supplies, in the matter of assistance with education, in the matter of remission of Kikuyu tax and the like. In fact, we have made a big endeavour to achieve something on these lines, even though it may be considered by some inadequate. If it is inadequate, it is largely due to the difficulties of the present situation which I hope will be alleviated as the situation improves, and we are able to make with a greater degree of safety a larger number of concessions to some of the restrictions we have had to impose. These restrictions will largely be lifted in the first place as far as possible from the loyal villages and those that have co-operated.

I trust that I have reassured the hon. Member's mind on this point, that we are in fact fully in support of his view that we must make every effort to give the loyalists the maximum consideration compatible with the security at that time.

The hon. Member for Ukamba started his excellent speech by raising the question as to whether the co-operation of the Kikuyu population, or a large number of them at the moment was genuine, or whether they are climbing on to the bandwagon of success—I think were the words he used. He also rather linked this with the question of the subversive organization going underground. It is obviously difficult always to be certain how far co-operation may be genuine, or, as he said, climbing on to the bandwagon of success. The success now is undoubted and I think the success against *Mau Mau* has genuinely sunk into the Kikuyu people. They realize that the game is up and that the *Mau Mau* are beaten, as I believe they are. Also there is the element that a large number are not merely climbing on to the bandwagon of success, but divesting themselves—or trying to divest themselves—of the consequences of defeat. Be this as it may,

[The Minister for African Affairs] Sir, it is a fact that we are getting a very large degree of co-operation, a degree of all proportion to what it was a year ago, in the attack on the remains of the terrorists. One must welcome this, but at the same time, I do agree with the hon. Member that it would be dangerous and serious, and might have very serious consequences, if we were so unwise as to shut our eyes to the possible consequences of being fooled by co-operation that might not be genuine, that might revert to subversive organization that may have gone underground. As he says, the strategy of going underground is nothing new. It has happened elsewhere; it has happened fairly consistently in history. I myself, in previous speeches, an extract of which the hon. Member quoted, have drawn attention to this danger. This is certainly very much in the minds of our security officers, and of our administrative officers on the ground, watching the tendencies and the trends in this connexion.

It is not easy, in fact I cannot, for security reasons, really disclose anything of a direct nature of what we know and what we have found out in this connexion; but I can perhaps at least say that in certain connexions a tendency of this sort has already been seen and in certain cases effectively dealt with. I hope that it will continue to be so and I have now sufficient faith in our intelligence organization to believe, with a certain degree of confidence, that we shall not fail to spot this where it occurs and I can certainly assure the hon. Member that it will be promptly and firmly dealt with.

The hon. Member for Ukamba also raised the question of the Kikuyu Guard, as to whether it would be permanent or not and who would pay. The question as to who will pay, Sir, is fairly obvious; it is so obvious that I hardly need answer it, but the question of the future of the Kikuyu Guard has to a certain extent been dealt with already by the dissolution of the guard as it was and the absorption of their members into the Tribal Police and the Tribal Police Reserve. Well, the Tribal Police Reserve will certainly be run down as the security position permits; as soon as possible there will be a reasonable run down—not pre-

maturely I hope, and any question that this should be run down prematurely I shall certainly resist. The need for this Tribal Police Reserve is quite obvious, with the growth of these villages, the need to control them; the need to keep them under close control does require a considerable force of manpower and at the present time these Tribal Police Reserves and Tribal Police are fulfilling an absolutely invaluable function in enabling us to exercise the close control which has been such a vital factor in the recent improvement.

But in the future, Sir, there will, I believe, continue to be a permanent force of Kikuyu Tribal Police as there was before the Emergency. It is my belief that this force must continue; it has always been a vital element in assisting the local African indigenous authorities, the Chiefs and Elders, to maintain the required degree of control; also, naturally, behind them the district commissioners and district officers; and I believe that these Tribal Police will be an essential feature for many years to come throughout the African areas of Kenya. They will undoubtedly be run down in numbers, I believe, as I have said, possibly to pre-Emergency level, possibly to a slightly higher one, for many years to come, but I believe that it would be very unwise and a very rash thing for hon. Members opposite to plead prematurely for a reduction in this force.

I did welcome, Sir, and appreciate the hon. Member for Ukamba's tribute to the Administration and also his reference to the possibility of political pressure being exerted to fill vacancies in the Administration or in any way reduce its present high standard. This political pressure, Sir, can come from various angles. He, I think, had one particular angle in mind; I should have several angles in mind, Sir, but I should like to assure him that as the senior member of the Provincial Administration I most certainly would resist any such political pressure, from whichever angle it might come. I consider the maintenance of the highest possible standard and the traditions of this service to be of the greatest and, indeed, of vital importance to this country, Sir, and so long as I have anything to do with it, I shall certainly resist political pressures in this direction and shall certainly seek

[The Minister for African Affairs] to maintain the highest possible standard, which I believe hon. Members would agree has been a vital feature in achieving the success in this Emergency that we have up to date.

DR. HASSAN (East Electoral Area): Mr. Speaker, Sir, I rise to support this Motion. Before I do so I would take this opportunity to congratulate our new Member, who called himself the new boy, the representative of Ukamba, for the most constructive and level-headed speech that I have heard on the floor of this Council, and I think it will be a pleasure to those whom he represents to hear how greatly at least this side appreciated his speech to-day.

His Excellency's communication from the Chair was greatly appreciated and welcomed by this side of the Council. The comprehensive review given by His Excellency of the Emergency and of the developments anticipated indicate that great success has been achieved by the methods adopted by the Government to eliminate lawlessness, in spite of most severe criticism from within and outside this Colony. Great credit for this achievement is due to His Excellency's Government, his Ministers and military chiefs, from the inhabitants of Kenya, which was done under most difficult conditions.

There is no doubt that the problem of over 60,000 detainees still on hand is going to be very complicated, but the system applied by the Government is the only one which is possible, although it may not be very quick until the signs of revolutionary changes in the minds of detainees takes place. It would greatly facilitate the change of mind if the loyalists in the reserves make up their minds and in a united voice impress upon those in the forests and the lawless element to discontinue their agitation.

Regarding paragraph 13 of His Excellency's address, the scheme of work such as the construction of dams, tsetse eradication, Makuani Settlement, Coast Hinterland Scheme and irrigation scheme, for which colossal amounts have been sanctioned by the Government, it will do immense good to the development of the reserves and I wonder if the Government has thought it possible to employ these 60,000 detainees to work on these developments. These schemes, after all,

are such that their success not only will help the economic development of this country, but will impress upon the minds of the people that hard work in this country is needed for the development of the homeland and for the good of the future generations, and not the *Mau Mau* agitation. It will have a very good instructive effect on their minds when they see that the scheme they were put to work on has succeeded in bringing about wealth and prosperity to the country of their adoption.

As regards paragraph 14 of His Excellency's speech, I agree with the remarks of His Excellency, that the country's future need is the greatest economy. Of course that means that the time has come now that the Emergency is almost ending that the job hunters and the ornamental posts should not be encouraged. Countries like Kenya, although getting all the finances they want to meet their needs, yet it should not be forgotten that it is the British taxpayers who are helping us to keep our flag flying, and as much economy as possible in Emergency expenditure would certainly assist Kenya to shoulder her own responsibilities.

Regarding paragraph 15 of the address, the control of basic products is essential for the economy of this country and the consumer, but I hope the Government realizes that the control should be carried out in the least expensive way, to enable the price structure to be reduced substantially for the lower income groups; unless it has that effect the control will not prove a success.

Posho is one of the most important items for which a great deal of criticism has already been levelled at the Maize Control and the Government. It is one of the essential items of diet of the African, and all attempts should be made that its price should be lowered, and as much as it is possible it should be grown by the Africans themselves so that they should be self-contained in this chief item of diet in this country. Greatest pressure has been brought about on the Nandi settlers to produce this item for them. They are doing so at the cost of the fertility of the valuable soil and the sooner they are relieved of this pressure and the Africans start producing enough for themselves, the better for the country.

[Dr. Hassan]

Regarding paragraph 22 of His Excellency's address, it is a matter of the greatest credit to the Government's untiring efforts that flow of new capital in to Kenya has not only been normal, but it has been a little more during this Emergency, and in this respect the Minister for Commerce and Industry deserves the thanks of the Colony for this achievement, although some of our comrades usually say that he goes frequently for sightseeing tours to Switzerland. But, Sir, the result of his extensive travelling is quite significant in as much as the new capital is flowing in to Kenya more than what it was before this Emergency.

Regarding paragraph 27, Sir, I am glad to hear that the Africans are now going to have the chance of electing their own representatives and I am sure it will be a great satisfaction to the African Members in this Council whose demands are now going to bear fruit, and their Members sitting in this Council in future will be called Elected Representatives of the African community. I hope they will prove an asset to this Council.

Regarding paragraph 29 I hope the change of procedure now intended to be introduced will be an improvement to satisfy the needs of the permanent residents of this Colony, it is with regard to the restricted immigration into Kenya. Very able and experienced officers in the Immigration Department have carried out their most difficult task under most difficult circumstances and I hope the new amendment that is going to be introduced will make things very much easier for them, so that people who have made this country permanently their home, their business and their other requirements, are satisfactorily dealt with by that department without any hindrance and interference from outside.

As regards paragraph 33, Sir, regarding Arab education, I am afraid there is no mention in His Excellency's address to assist the backward Muslim Africans towards education in Mombasa. There are thousands of them in that town without any facilities for education there. Mombasa is the gateway of Kenya and it will be the greatest tragedy if we allow the oldest inhabitant Muslims now to live without education. It will be the greatest disaster to that community which is very

loyal and very peaceful in Kenya. I hope the Minister for Education and the Director will give serious consideration to this requirement, because I feel it is essential for them that a secondary school be opened in Mombasa for the benefit of Christians and African Muslims in that town and run by the Government, not by any Mission.

As regards paragraph 40 of His Excellency's address, I was very pleased to hear that the further help and assistance to the education of this country is going to be done by the introduction of modern courses in the secondary schools in Kenya. There was only mention of one secondary school to be opened next year for the Asians and I would request the Minister for Education if he could possibly consider and introduce this course in the present secondary Asian schools in this country, in Nairobi and Mombasa.

Regarding paragraph 47, it was a great step forward and a matter of great satisfaction for all to hear that the City Council was taking over the dispensaries in this town, because the dispensaries in this town were merely run as a transit station to send the patient to the hospital. I believe when the City Council takes it over they will staff them as well for the benefit of outdoor patients. It will assist materially to the Medical Department to concentrate all their staff for improving the hospital services that we so badly need.

In this connexion I would like to thank the Government for expediting the preparation and laying of the Report of Asian and Arab Hospitalization. The committee that prepared this report, and I was one of the members, it was then thought that it would be put through the session of Legislative Council last year, but then all of a sudden it disappeared. I am very glad the Government has been considering it all these months and now it is going to be placed on the Table of Legislative Council for debate. Lower income Asian patients need such services very badly; due to the Emergency the cost of living has gone up and everybody, whether it is surgeon, doctor or lawyer, they like to sponge blood out of a person coming to them. Some people can afford it but others cannot afford it. Those who cannot afford it—they are causing a great deal of headache and pressure on the finances of their community and this

[Dr. Hassan] scheme will certainly assist them considerably.

Regarding paragraph 56, the question of pooling and redistribution of land in Changamwe area. I have not seen the details of this scheme, but I would like to know from the Minister concerned whether the owners of that area have been consulted in this matter. This 200 acres of land which is going to be used for this purpose has a considerable number of people who raised their permanent houses and who are living there with their families and made it their home. They have developed those small pieces of land, growing vegetables, fruits and so on, and it will be essential, when that area is to be pooled, that their consultation and consent is absolutely essential. There are some who may not like to live under the conditions of quarter-acre plots.

MR. COOKE: It's Communism.

DR. HASSAN: . . . and if such is the case then I believe the Government will have to acquire that land and compensate them so that they can buy land elsewhere and live under the conditions that they would like to live. I am not sure if the Minister for Law and Order might be aware of it, but I believe that that pooling of land cannot be legally enforced on the people unless with their consent. I have not heard the details of the scheme but I did receive a long petition from some of them who strongly object to this.

In conclusion, Sir, I would like to appeal to the Ministers, both new and old ones.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Age of time?

DR. HASSAN: Time, Sir. Every Government in this country in the past thought out a scheme for the benefit of the people residing in Kenya and unless the Government that follows does not help that scheme to develop it according to the modern time and just give attention to the work on hand and to the future, that causes a great deal of dissatisfaction to those concerned with those schemes. There are people here residing for over fifty years—in some places they call it trade centres—as merchants, living under most insanitary conditions, and they

have been frequently pleading with the Government to allow them to put up permanent shops and improve their residential places so that they should live comfortably and in a more sanitary way, and some of them have built permanent houses but under the clear understanding from Government that you are occupying under the system of what they call T.O.L. and that you risk investing all the capital you own in this building and when we do find and like to change the shape of the centre we will remove you and you shall not get a single cent in compensation.

I only want to bring to your notice, Sir, now that we have got very energetic and very able Ministers to help the previous team, although the work of the Emergency is very, very great indeed and the work for the future development is causing serious headaches to everybody—I do admit that—but a little of your time after you are properly settled up and have taken over your duties—we should very greatly appreciate it if those people who pioneered in the trade and commerce of those outlying places and living under most difficult conditions—should be told that when we get in the surveyor to survey your plot then you will be able to get a proper lease and build your permanent and comfortable house. That surveyor—it has taken fifty years not to come and I think it will probably take another hundred years and he will never come. The people who have made this country their home and invested all their income into that business—I think they deserve some consideration, Sir, and I appeal to the Minister responsible to give a little more attention to that.

The question of roads was mentioned by a previous speaker. I do not like to say very much for the roads of Kenya, because everybody knows it—but one thing I would try to request the Minister that if he would like to see a good road made it is better to travel from Namanga to Arusha and Moshi and back to Namanga. Within the last three years they have made a beautiful road and it is really worth seeing that a country which we do not consider is as good as ours by any means, in the last three years they have found funds to build those roads, but when we want to build a road we are told that the cost is not

[Dr. Hassan] only £20,000 per mile but sometimes the authorities talk about millions of pounds needed for the building of those roads and if such a country in the neighbourhood can find funds to build such roads, I think it is time that Kenya should be able to do something so that we should feel proud of our development.

I have great pleasure, Sir, in supporting the Motion.

MR. AWORI: Mr. Speaker, Sir, I am going to be very brief indeed. The reason why I do not speak very much on this Motion is that much that is in His Excellency's speech, which I agree with very much, will have to come later. Most of the paragraphs that appear in the speech I find that it will not be good for me to discuss now, when we are going to discuss them later, specially like the Royal Commission and the Courts Report.

To me it appeared like a catalogue. I thought that I went to a bookshop and instead of buying things like an encyclopedia I bought a catalogue, because most of the matter appearing in this speech is all for future reference.

I, however, appreciate what His Excellency said in his speech regarding the Emergency. I have only one point to raise, which I hope the hon. Minister for Internal Security might be able to reply to. I should like to know, since the time when the Government started releasing some of the detainees, how many Africans from Nyanza, who have been detained, have so far been released. People from my area—I know a number of them from both North and Central Nyanza—have been writing to me to find out why it has not been possible for Government to release some of those people who have been detained either on act or on suspicion.

The other point, Sir, which I should like to raise, is the question of immigration. I do not know what sort of White Paper the Government will publish on this matter, but I for one feel that this White Paper should see the decontrol of immigration of people from abroad and concentration should be made to see that they train the local people here, Europeans, Asians and Africans, to take over jobs instead of offering to people from outside.

Another point, Sir, is the question of cotton areas. The hon. Minister for Community Development would be able to bear me out, that in the way of cotton areas, particularly in Nyanza, there is not very much being done to see that they are developed, whether in the way of roads or more cultivation. In Uganda something like 300,000 bales of cotton are produced every year. In Kenya—I do not know the figure—but I believe that if Government played a greater part in helping the Africans in these areas like at the coast and Nyanza, they would be able to have more cotton produced every year.

I do not agree, Sir, with those Members who attack Government on the question of trade unions. According to His Excellency's speech, he said that it is the policy of Government to see that trade unions are encouraged and run in a better way, and I feel that we should not be too suspicious that the trade union movement will have people infected with *Mau Mau* ideas. The only thing we should do is see that we encourage them and the Government trains people both here and abroad to see that they run them well.

A point which was raised by the hon. Member, Mr. Mathu, and I would like to raise it in a different way, is the question of promotions. It was said by the hon. Minister for Security that there are not enough people, Africans, with ability to be promoted. I do not think that that sentiment is true. When I raised the question of promotion for Africans, for instance, he promised that he would investigate the matter and so find out if they have people who have been trained at James School—I feel that such people should be promoted. At the same time we have had three or four Africans who have been trained in Britain by Government and they are all Chief Inspectors of Police; I feel that with such people, it is high time that their ranks were raised.

ADJOURNMENT

THE SPEAKER: It is now fifteen minutes past 9.30 o'clock. I adjourn Council until 9.30 to-morrow morning, the 21st of October.

Council rose at fifteen minutes past Six o'clock.

Friday, 21st October, 1955

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

[Mr. Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:—

Department of Veterinary Services Annual Report, 1954.

[By THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES]

ORAL NOTICE OF MOTION

CONSTRUCTION OF AFRICAN WOMEN'S TEACHER TRAINING COLLEGES

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

THAT in the opinion of this Council the construction of two African Women's Teacher Training Colleges has become a matter of great urgency.

ORAL ANSWER TO QUESTION

QUESTION No. 10.

MR. MATHU asked the Minister for Local Government, Health and Housing to state whether he cannot do more to take the important health measures such as the disposal of night soil, water supplies, in the new villages in the Central Province before the people move into them?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: I gather, Sir, from the way this question is framed that the hon. African Representative Member is of the opinion that all reasonable steps have not been taken to safeguard the health of the inhabitants of the new villages.

When the Government first adopted a policy of "villagization" (I apologize for the term—it is not mine) the Emergency was at its height and it was important to build new villages and to move the population into them with the greatest possible speed. Security was the overriding factor, which prevented the full application of the desirable health measures. The staff of the Provincial Administration and of the Medical

Department quickly and efficiently tackled the many problems which confronted them.

We have now moved into the next phase and it is now possible to plan villages with deliberation; the following essential features are required in each new village:—

- (i) A proper standard of layout and house construction.
- (ii) The provision of pit latrines.
- (iii) The provision of safe water supplies, which includes the protection of springs.
- (iv) The erection of cattle *bania*.
- (v) The building of rat-proofed grain stores to prevent plague and the general destruction of food stocks.
- (vi) The composting of refuse adjacent to the cattle *bania* and the consequent production of supplies of manure.
- (vii) The spraying of houses with insecticide to prevent vermin infestation.

Some of these essential features cannot precede the occupation of the villages—the others, which are concerned with layout and planning of the sites invariably do. In order that hon. Members may be aware of the careful consideration now given to the siting of villages, I should like to outline the present procedure which takes place before a village is developed. It is as follows:—

Step 1.—The District Commissioner approves of villagization in a given area.

Step 2.—The District Officer finds what he considers a suitable site which is usually alongside a Home Guard Post.

Step 3.—The Health Inspector visits the site and gives approval or otherwise. If approved then he pegs out on the ground—

- (a) the main road through the village;
- (b) subsidiary roads;
- (c) all plots, and
- (d) leaves a sketch plan of how huts, grain stores and latrines are to be sited on each plot in relation to the roads. Finally, such

[The Minister for Local Government, Health and Housing]

matters as the siting of cattle *banias*, schools, playing fields and open spaces are discussed on the spot by the District Officer, the Health Inspector, the Departmental Officer concerned together with the Headman.

Step 4.—The Health Assistant, armed with these sketch plans of plots and their layout is left on the site to supervise the actual construction of all huts, latrines, etc.

I should also like to add that the African District Councils are playing a valuable part in the provision of health protection measures in the villages largely by the provision of supervisory staff trained by the Medical Department.

Finally, to return to the two specific points raised by the hon. Member in his question—disposal of night soil, and the provision of water supplies—the first of these items can fortunately be adequately and satisfactorily dealt with by means of pit latrines. The second, as will be seen from the remarks I have already made, is being taken care of, I should emphasize, however, that both problems to be dealt with satisfactorily need the close co-operation of the villagers concerned.

MR. GIKONYO (African Representative): ARISING out of that reply, Mr. Speaker, can the Minister tell us whether there has been a serious outbreak of epidemics in some villages?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: No, Sir, there have not been serious outbreaks of epidemics.

MR. COOKE: Mr. Speaker, I raised this question six months ago—is there not a great danger during the interim period of diseases like polio breaking out and is the hon. gentleman satisfied that a disease of this nature will not break out? It would be very bad propaganda for the Government?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Naturally, during the first stage when the villages were not properly laid out, it could not, for security reasons—there was a danger, but now the Medical Department is satisfied that the danger is minimized.

MOTION

THANKS FOR EXPOSITION OF POLICY BY HIS EXCELLENCY THE GOVERNOR

Debate resumed.

THE SPEAKER: When we adjourned last night, Mr. Awori was speaking. Mr. Awori is unable to be here to-day and therefore his speech must be considered to be concluded and the matter is now open to debate.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: Mr. Speaker, Sir, I would like to comment on various points which have been raised by hon. Members on the other side of Council, especially on the subject of trade unions. Even if no mention had been made of trade unions by Members opposite, it was my intention to say something on the subject when speaking in this debate, by way of enlarging on the statement in His Excellency's Communication from the Chair to the effect that Government would continue to further the healthy development of trade unions. I wish to eliminate any misunderstanding or doubt regarding Government's policy in regard to trade unions.

Before this debate started, Sir, I was aware of a feeling in some unofficial circles that, come what may, Government is determined to have trade unions at all costs and that Government is bent on forcing the pace in the creation of trade unions. I do assure hon. Members that this is a misunderstanding of Government policy. Government has no desire to have trade unions merely for the sake of having them. There are at present only nine African employee trade unions, with a membership of some 6,000 to 7,000 Africans, and they have been registered at various times since 1946. This means an average of one trade union per year. Well, Sir, in a fast developing country such as Kenya that does not seem to me to be a very large figure and it does, I think, illustrate the point I wish to make, that Government is *not* bent on forcing the pace in the trade union world. Government has no desire to coerce or persuade unwilling workers into organizing themselves into trade unions. As the Labour Commissioner said in the debate on His Excellency's Communication from the Chair last

[The Minister for Education, Labour and Lands]

year, it is quite impossible to build up a healthy trade union movement on a foundation of disinterestedness or apathy on the part of the workers: to attempt to do so would be a sheer waste of time and effort.

It is the policy of Government to foster and control the development of trade unions on sound lines when there is a spontaneous—and I emphasize the word spontaneous—desire among workers to organise themselves into trade unions. As has been pointed out by the hon. Asian Elected Member for the Central Electoral Area, trade unions are an inevitable part of progress. Experience has shown that sooner or later workers will organize themselves in their own interests—on the basis of unity is strength—and they usually organize in the form of trade unions. Well, Sir, Kenya is no exception to this general rule. We have trade unions and they are here to stay. There is no putting the clock back. The issue, therefore, is, Sir, not between whether we are going to have trade unions or whether we are not going to have trade unions, but whether we are going to have good trade unions or bad trade unions. A wit once said, Sir, that when a man and a woman get married they become one; they have, of course, to decide which one. Well, Sir, a similar sort of decision has to be made by employers when they form a trade union—which direction are they going in?—and it is here that Government's duty is to help them as much as it can.

If there is a desire on the part of labour in any industry to form a trade union and they seek Government's assistance, I simply do not see how Government could withhold its assistance and refuse to foster its growth. Government's function is to help, guide and control both existing trade unions and trade unions which are in the process of formation.

I fully realize, Sir, and appreciate the apprehension expressed by the hon. Member for Mount Kenya and the hon. Member for Ukamba regarding the possibility of trade unions being infiltrated by *Mau Mau* should *Mau Mau* go underground. The Emergency has, as

we all know, shown that trade unions are convenient and ready-made organizations through which subversive activities can be pursued under disguise. But I cannot, in all sincerity, believe that Government should cease to foster trade unionism on the lines of Government's present policy merely because of the possibility—the possibility—that trade unions might—might—be used for wrongful purposes. I personally, Sir, would not like to be responsible for the labour unrest which would in all probability ensue if Government were to abandon its present policy. It is my view that now, in particular, trade unions need all the help which Government can give them and I have already made the point, Sir, that Government is not bent on forcing the pace in this matter. I am aware, Sir, that I am laying myself open to the charge of being unrealistic, starry-eyed, ivory-towered and, in the last resort, an ostrich with my head firmly embedded in the sand; whereas what I am really trying to do is to bring to bear on this matter of trade unions that dispassionate objectivity, breadth of vision and flexibility of thought which characterizes the Government official. But it is my opinion that trade unions in Kenya will have learnt a salutary lesson from the Emergency, namely that subversive activities will lead them nowhere except into trouble and disrepute. I feel there is every chance that, in increasing measure as the years go on, trade unions will adopt a responsible attitude and conduct themselves on businesslike lines, and thereby earn the respect of employers—and I do think that it is a very important point that they should set themselves out to earn the respect of the employers. Naturally, Sir, they are bound to make mistakes, but mistakes are part and parcel of the process of growing up and trade unions in Kenya are still comparatively young. There may be sceptics who think I am unduly optimistic, but no one can forecast the future with certainty; hope springs eternal in the human breast, and it would be a poor world if it did not.

Government assistance will always be available to trade unions in the form of advice from the Labour Department, the organization of courses of instruction for trade union officials, and in guidance on

[The Minister for Education, Labour and Lands]

their internal administration. In the last connexion, hon. Members are doubtless aware that some ten months ago the staff of the Registrar General's Department was increased by the appointment of an Assistant Registrar of Trade Unions whose function it is to ensure that trade unions comply with the legislation affecting them and to see their accounts are properly kept. I would also take this opportunity to mention that it is hoped, in the very near future, to fill the post of Industrial Relations Officer which has unfortunately been vacant for some time, about a year. It has proved difficult to recruit a man of the requisite experience and calibre for this very important post, but we think and hope that the Secretary of State has now found the man we are looking for. It may be a source of particular satisfaction to some hon. Members opposite that the gentleman in question has a distinctly Irish name. It is, of course, the Industrial Relations Officer in the Labour Department who is mainly responsible for the supervision of trade unions in the field, that is to say, in regard to their relations with employers and their approach to problems of wages and general conditions of employment. I would also mention, Sir, as he was mentioned yesterday, the General Secretary of the Kenya Federation of Labour, Mr. Tom Mboya. As hon. Members are probably aware, he has recently gone to England on a year's scholarship where he will study at Ruskin College, Oxford, and Government has provided additional assistance to him. I am sure that this year at Oxford will be of great benefit, not only to Mr. Mboya himself but also to Kenya and the trade union movement in Kenya. I am especially of this view, Sir, in view of the particular university to which he has been fortunate enough to go.

I fully appreciate, Sir, the anxiety which is felt, and very rightly felt, about the excessive participation of trade unions in general political activities, apart from their possible infiltration by *Mau Mau* should it go underground. This matter was, of course, ventilated very thoroughly in the debate on the Motion which the hon. Member for Mount Kenya moved in June of this year. As the Minister for Labour said on

that occasion, the policy of the Government is to ensure that the main activities of the trade unions are the relations between employers and employees, that is to say, wages and conditions of employment. However, as he also said, it is quite impossible to debar trade unions from any kind of political discussions and it would be undesirable to force their political interests and discussions underground. What the Government can do, and what the Government has in fact done since that debate, is to examine the law relating to trade unions in order to ensure the power exists to prevent a trade union from departing from the main objects for which it was formed and registered, and from becoming a political body devoting its main energy to general political affairs. Various amendments to the Trade Unions Ordinance have been prepared, which will, I think, go a long way towards allaying the apprehensions which lay behind the Motion to which I have just referred. I do not propose, Sir, on this occasion to go into any detail on those amendments or to anticipate them. There will be a full opportunity to discuss them when they come before this Council.

Before finally leaving the question of trade unions, I should like to refer to one matter which was mentioned by the hon. Asian Elected Member for Central Electoral Area, namely interracial trade unions. I should like to say on this point that there are in existence three registered trade unions of employers with European and Asian membership.

The hon. Asian Elected Member for Central Electoral Area mentioned a land matter which concerns my portfolio. He expressed the view that the allocation of plots for residential purposes should be entrusted, not as at present to committees, but to one fair-minded officer in the Lands Department. Well, Sir, in my opinion, in matters such as this two or more heads are better than one, and I would prefer to see the committee system continued. I think you will agree that the Commissioner of Lands already has to stop a very considerable number of brickbats, and I should not like to add to them by making him or any member of his Department solely responsible for the allocation of plots.

At the end of his speech yesterday, the hon. Asian Member for East Electoral

[The Minister for Education, Labour and Lands]

Area raised the question of plots held on temporary occupation licences in trading centres. I should be grateful if the hon. Member could supply me with a little more detail and I undertake I will certainly look into the matter.

Sir, I beg to support.

MR. LUTCHER: Mr. Speaker, Sir, firstly I should like to pay a tribute to those men who stood up to the terrorist attack in the early days of the Emergency. At the same time, Sir, I cannot help feeling that the improved security situation is at least eighteen months overdue. This is no reflection on the present General Officer Commanding and many of those under him.

His Excellency the Governor touched upon forest development in the future. Forest development, Sir, is one of the best investments Government can make, in my opinion, but not if the enemy is to make use of the forest as a hiding ground in time of war. I should like to see this development extend to the north-west corner of Kenya, Sir. There are bare hills up in that part which require attention and I do feel at the present time with the labour force available, much could be done for reforestation.

It is encouraging to hear, Sir, of all the free grants Government is making. None seem to come my way, Sir.

MR. COOKE: You do not deserve it.

MR. LUTCHER: Income tax is becoming a burden which many a farmer can ill afford to carry and I warn Government that unless more relief is given, many farmers will be going out of business. It is said that agriculture is the backbone of our economy but, unless the profits from agriculture can be ploughed back into the soil, I can see no future for agriculture.

I would ask Government, Sir, to make things easier for the small prospector. The Rhodesias, I believe, owe their present prosperous conditions to small prospectors and I feel we have overlooked these in this country.

Lastly, Sir, with great respect, I think the country should be told why it is still necessary to have with us two Governors and how long this is likely to continue.

With these remarks, I support the Motion.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Maconochie-Welwood): Mr. Speaker, I do not intend to speak at any great length because other speakers have covered most of the points that have already been raised. Furthermore, I would ask the indulgence of the Council if I do not make a long speech on the subject of the Emergency matters which have only very recently come into my portfolio as the new European Minister without Portfolio on the War Council.

There is one point raised by the hon. Member for Mount Kenya which I would wish to mention briefly. He said in the course of his speech, that the Lyttelton Plan, when it was brought in, had gravely weakened the Opposition and that as a result of that weakening of the Opposition, those suggestions which were always put up by the Unofficial Members of this Council had been ignored by Government. Now I will not deny that obviously the Lyttelton Plan did weaken the Opposition; it weakened its numbers and it weakened it by taking people from it and placing them on this side of Council, but what I will deny is that the Lyttelton Plan weakened the influence of the Unofficial Members of this Council because, in fact, certain of them were removed into Government where their influence, in my submission, has been just as great as it was when they had the advantage of being able to fulminate against Government from the other side. The views of the Opposition, he claims, are no longer considered. That, I would particularly deny. I do know that every Minister of Government pays the greatest attention, not only to the views of the Opposition expressed in Council, but also to the views expressed privately to Ministers, whether they be official ones or unofficial ones.

The hon. Member and other speakers have mentioned the real danger, which Government does not minimize, of *Mau Mau* going underground. Well, Sir, all I would say on that is that Government is not entirely stupid. It is not entirely unaware of this danger but the methods that must be taken to counter it are not methods which it is desirable to discuss or to bandy about on the Floor of this

[The European Minister without Portfolio]

Council, but I can give this assurance to hon. Members—that Government is aware of this danger and is taking steps to counter this danger wherever it may arise, but underground movements do necessitate that Government itself shall go underground to counter them.

I was going to say something on trade unions, which is not properly anything to do with my portfolio, but the matter has been already covered. What I will say is this, however, that to some extent any organization which might become subversive is watched by Government and the trade unions obviously are no exception. Government is perfectly aware of the danger of the tyranny of trades unions. We live in a world where trades unions—which I support and believe in—have, even in very advanced countries, as one hon. Member said, become a danger when they become the tyranny of organized labour over the rest of the country and that, I can assure you, is a matter that Government will always watch in the same way as they watch the subversion within such movements.

The matter of villages has been raised in two or three quarters. It was raised by the hon. Member for Mount Kenya in his speech, in which he said he hoped that Government would consider compensation for those people who had lost land as a result of the formation of the villages. It was also mentioned by the hon. African Representative Member, Mr. Mathu, and other speakers have also dwelt upon it. I feel it is necessary to make a statement on this. It has been suggested that possibly Government might gradually go back to no villages; but Government would not do that because that very condition of a scattered population was what made the sowing of the seeds of *Mau Mau* so easy for the people who started it. So that it must be clearly stated that although there will be some relaxation in certain areas, nevertheless the village system will have to go and may, indeed, if security warrants it, have to be extended. It has been found in other countries that unless you can concentrate the population to some extent, you cannot administer it, and the whole hope of the future—the whole hope of wiping out *Mau Mau*—must lie in an extremely close administration of

the Kikuyu Reserve, not only now but for a good many years to come. They are, and inevitably will remain, in some senses a special area where the closest possible administration must continually go on.

Now I come to the matter raised by the hon. African Representative Member, Mr. Mathu, that the Kikuyu have suffered and are suffering as a result of the creation of villages. Now, naturally Government will do all it can to prevent injustice and do what it can to compensate those persons who have lost land by it, provided those persons are on the side of Government. Now Government can find it quite easy to know its friend, but the position in the Kikuyu Reserve is a difficult one because a very large section of them have always not been friends, but neutrals, and I do not believe it will every be said that the friends of Government were unjustly treated, although it may well happen that some people may consider themselves ill-treated who were, in fact, neutrals. I think it is necessary, in view of the remarks made by the hon. African Member, to state certain things clearly, and one of them is this: that there are inevitably grave inconveniences which attend a people who raise a rebellion and however much we desire—and we all desire it—that there shall be absolute justice in the Kikuyu Reserve, in the situation of a rebellion it is inevitable that some of the innocent shall suffer with the guilty, and when the Kikuyu, who at the beginning of this were either apathetic towards the opponents of *Mau Mau* or, in the vast majority, supported it tacitly or actively—they should have thought then that the inevitable result of rebellion is suffering and misery for the people who raise it. I have much sympathy with the loyal Kikuyu; but I find, when it comes to the question of some of the smaller hardships endured by the people, that I find myself in greater sympathy with the rest of the population of this Colony who have suffered in a restriction of services, in an augmentation of taxation and in an infinite interference with the liberty of the ordinary African because of the rebellion of the Kikuyu tribe and I would not wish it to be forgotten, at this stage of the Emergency, that ultimately the Kikuyu, as a people, are responsible for

[The European Minister without Portfolio]

the disaster that overtook this country. Therefore, I am not perhaps as sympathetic as I should be when I am told that this or that act of the Government is creating bitterness amongst the Kikuyu, for, indeed, if there is to be bitterness, and I do not wish it in any quarter, that bitterness might well be justified in the other citizens of this Colony who have suffered for the actions of that tribe.

Now I come to one other point which was raised by the hon. Member for Mount Kenya and that was the question of the return to the Rift Valley of the Kikuyu. That is, as he said himself, being done on a very small scale and always in consultation with District Emergency Committees and several other farming bodies. I have been considerably involved in this when I was a member of the Rift Valley Provincial Emergency Committee and I know that the greatest care has been taken. There is, of course, a danger in returning the Kikuyu, even in small numbers, and Government is perfectly aware of that, but nevertheless a stage has been reached in the Emergency where it inevitably becomes necessary to reabsorb those Kikuyu, whom we believe to be comparatively safe, into the normal life of the community. I would emphasize that it is no good thinking that the Kikuyu can forever be isolated from the life of the country. They must slowly be returned to employment of one sort or another although, for a time, the majority who return will be returned to those works-camps and other places to do work under close supervision. That applies to those works camps.

What I do want to say is that formidable pressure will certainly not influence the Government to accelerate the return of Kikuyu. The return of Kikuyu is a thing that must be considered with infinite care and caution and this Government feels far too responsible to the country to accelerate that movement or to decelerate it as a result of political pressure. I mention that, as it was suggested by one hon. Member opposite, that political pressure would be brought to bear and Government might succumb to it. In that connexion, I will take this opportunity to mention the forest reabsorption scheme for which the Ministry at which I was recently was responsible.

The intention of that scheme is gradually to move into rigorously controlled forest villages, certain of the landless Kikuyu, who may be considered loyal and it will start in those areas adjacent to the Kikuyu Reserve. Gradually we hope this process will take many months, possibly more than a year before it can even start. We intend to accelerate that programme of reabsorbing Kikuyu into controlled villages in the forests whereby they will have useful work to do and whereby in the long run the economy of this country may profit. I am aware that this scheme will be looked upon with suspicion and fear by many people in the Highlands, but I would ask them to remember what I have just said that the Kikuyu must be reabsorbed, that it is better that they should be reabsorbed into valuable employment under rigid supervision than that they should be kept permanently in camps, where they are not doing useful work. I do commend to this Council that this scheme, and the other schemes put forward by other Ministers, are matters of vital importance if this country is to recover rapidly from the Emergency.

Before I conclude, I would like to refer very briefly to a remark made by the hon. Representative Member, Mr. Chanan Singh, on the subject of the Royal Commission. He stated with somewhat terrifying optimism that we had the blueprint for our development in a nice straightforward document and all we had to do, as far as I can remember, was to follow it to solve our problems. What I would say on that is this, The Royal Commission is far from a simple document. It could not really be described as a complete blueprint. It makes many suggestions, some easy to work, some not so easy to work, some may be impossible to work, some indeed conflicting with ones which came earlier on in the same report and what Government is doing to that report is setting up working parties within the Government to consider the whole report in detail and to turn their experts on to the considerations of its findings before they are prepared to make any statement on a document as portentous and, in my view, unlike that of the hon. Indian Member, as difficult to implement as the Royal Commission Report.

Mr. Speaker, I beg to support.

SHEIKH MAHFUD S. MACKAWI: (Arab Elected Member): Mr. Speaker, I rise to support the Motion moved by the hon. Member, Dr. Karve. I welcomed His Excellency's Speech from the Chair but, Sir, I would like to raise one or two points in connexion with His Excellency's speech.

My first point, Sir, is His Excellency the Governor has said that during the year a new primary school for Arab boys will be built in Mombasa. Now, Sir, would the hon. Minister for Education state in which area of Mombasa this new school would be built? I suggest to the Government that this new school should be built at Makupa or Tudor House because most of the Arab boys are living near to that site. Sir, I beg to thank His Excellency the Governor for mentioning that the Arab community have shown their interest in the education of their children.

Now, Sir, I suggest also to the Government that they should build two new primary schools; one in Nairobi and one in Kiwe for Arab boys. I hope that the hon. Minister for Education will consider our cases.

My second point, Sir, is His Excellency mentioned, regarding the Likoni Scheme in Mombasa, that the Government is receiving the fullest support and is being properly served by water and roads, and would the Minister state in this Council if the cost of water and roads will be paid by the Government and not by the landowners? Sir, will the hon. Minister for Defence give us an assurance in this Council that the Government will not allocate any more land in Shimo-la-Tewa as no land has been left for the people of Shimo-la-Tewa in Mombasa. I understand that the new town planning scheme is being prepared for the Malindi township. It is imperative in the initial stages, that the local people and their elected representatives should be consulted so that their point of view could be considered before a decision is taken; unless this is done, it will be found that the plan would have advanced too far and nothing could be done to alter it.

Sir, we would be obliged to know what is happening about the water supplies in Mombasa, Malindi, Lamu and

Kilifi. Unless water is available, no further development can take place.

A statement from the Minister with regard to the Mombasa-Lamu road would also be of interest I am sure to all in this country.

Sir, I beg to support.

MR. GIKONYO: Mr. Speaker, I have got a few observations to make on His Excellency's speech from the Chair.

First of all, I want to deal with this question of villages and of compensation to the landowners—on those lands where the villages have been planted. My colleague, Mr. Mathu, has dealt with this question very amply, but there are one or two things that I want to raise in this connexion. One is that after listening to the speech of the European Minister without Portfolio, I am just wondering what is the Government's policy as regards these villages, because we heard one view of the policy from the Minister for African Affairs yesterday, and to-day I have heard quite a different one, so how can we know what is the Government's policy with regard to these villages? Are we to understand that the Kikuyu people will permanently live in the villages, or are we to understand from the Minister for African Affairs that, as soon as this situation becomes better, some Kikuyu—those who have holdings—will be allowed to go back to their holdings? This, I think, is very vital at the moment. The Kikuyu do not know where they are—whether they will always have to live in these villages, or whether they will be allowed to return to their holdings if and when the situation permits.

The other point is the question of compensation. It is no exaggeration to say that a very large number of Kikuyu are suffering as a result of these villages. They have lost their *shambas* and, unless the Government takes up this matter seriously, these hardships will remain and it will be a source of great bitterness. I think it is a matter that the Government should consider quickly and give compensation for in the right cases. I understand that the Minister for African Affairs will have consultations with the district commissioners and the Central Province Advisory Council in this matter and I hope, by the time he comes to this

[Mr. Gikonyo] Council, he will be able to tell us what the Government has in mind with regard to the compensation for the land which has been occupied by the villagers.

I welcome the statement made by His Excellency the Governor that the detainees can be better judged by people in their own areas. I think that is the only way where you can separate the sheep from the goats and I think this process should be hastened, because, when you put fellows in places like Mambani and Mackinnon Road and keep them there, it will be very difficult to know who is who, but as soon as you send them to their district headquarters, then to their locations, it is very easy to separate those who are dangerous and those who are not dangerous. In this regard I will say that as soon as a man has been classified as no longer dangerous, he should be allowed to leave the reserve and go to his employment. I do think that when that is done by people who knew him, not only as a grown-up man but as a child, the danger is very little and in most cases I would say that the danger may be non-existent.

One thing, I think, I am right in saying is that I quite agree that any doubtful cases should not be allowed to come to Nairobi. We do not want people who may bring us back to the pre-"Anvil" period, when everybody walked in danger of death and for that reason I quite agree that doubtful cases should not be allowed to come back to Nairobi. But those who are not doubtful should be allowed to come to Nairobi to earn a decent living, provided, of course, that their employers are willing to take them back and that there are enough houses for them.

The other point, Sir, is the question of consolidation of holdings. I am not satisfied that this process is being speeded up as it should be. I think while the villages are still there these processes should be hastened, and, as soon as these holdings are consolidated, proper titles should be given so that the farmers could have proper titles, negotiable, in order that they may be able to borrow money on these titles for the improvement of their holdings. I think that is very vital.

The question of the Coultis Report has been raised. I think it is a matter of

great concern to the African people, and the report should be published. I see no harm in publishing the report and laying the White Paper later. It is a matter that the Africans are very anxiously awaiting to see and any delay may cause unnecessary feeling.

On the question of education, it was most gratifying to see that the Education Department has embarked upon an accelerated programme for Nairobi. But I want to make it quite clear that our object in Nairobi is to have compulsory education for African children, for we feel, very strongly, that there is no other way of eliminating most of these young fellows from the streets except by providing school accommodation for them. I know that by an accelerated programme, we will be able to accommodate a few extra boys, but that will not be the end. Our object should be, and must be compulsory education for all African children in Nairobi.

I note that in the speech of His Excellency, there was a reviewing of secondary schools for all races, and I want to know more about what is being done for the African secondary education, not only in Nairobi, but in the country as a whole. I would also ask the Minister for Education to consider the question of a secondary school for Africans in Nairobi. There is no mention of that and I feel that it is very vital that we should have a secondary school in Nairobi for Africans. There is definite promise here that they will have, next year, a new Asian secondary school. I think we shall only be too glad to have something definite—that a secondary school will be built in Nairobi, if not next year, the following year.

There is one other thing that I want to raise in connexion with education and that is the question of the Women's Teacher Training College at Machakos. It is stated that the subsoil in Machakos is not suitable for the construction of this college, my question is, if the soil in Machakos is not suitable for the construction of this school, why could not a new site be found? My information is that the original idea was to build this college in the Kikuyu country, but, for some reason or another, I think a political reason, it was decided to shift this site to Machakos. Now that the soil there has proved unsuitable and with im-

[Mr. Gikonyo] proved of the situation in the Kikuyu country, is it not possible to review the position? The other consideration is that the prospective students to this College will mostly come from the Kikuyu country, and I think, it is only proper that it should be sited here; not only that, the other consideration is the teaching facilities. All these combined together, I feel is the sufficient reason for a revision of the position, and that the Government should go back to their original idea.

Now I come to the question of medical services. It is mentioned in this speech that it is the Government's policy to transfer the responsibility of health services from the Central Government to the local authorities. I am not quite happy about this policy because I feel that until such time as there is sufficient African representation on these local authorities and is effective, I will not feel quite happy that such big responsibilities for services, such as medical services, should be left entirely in the hands of the local government. In this case I am very strongly opposed to the idea of having dispensary services transferred to the Nairobi City Council next year. Not only that, I am still very unhappy that fees should be paid for this service. I know there are a lot of people who believe, like the hon. Member, the Mover, that Africans do not appreciate free gift-free services. I entirely disagree because that is not borne out by the facts. Every morning, if you go to the Nairobi General Dispensary, you will find long queues of people waiting for treatment and, if they do not appreciate free gifts, why queue the whole day there but go instead to private doctors, and there are many of them in Nairobi. It is only those few who can afford to pay who will go there because of the very poor nature of the service that is provided, but those fellows who have no money and they want service, they have got to queue there the whole day for that service and for anybody to suggest that Africans do not appreciate free gifts is most untrue.

As I say, Sir, I do not feel quite safe that the medical services should be left entirely in the hands of the Nairobi City Council. We have an example with maternity hospitals in Nairobi; they

started charging nominal fees and now the fees have gone up to a point where many people cannot afford to pay and I have no doubt, even if they start with a very nominal charge, there is no reason why, in the years to come, they may not increase it to a figure which many people in the city cannot afford to pay, and therefore they would go without that very vital service.

Now I come to the question of housing. I appreciate the efforts of the Central Housing Board in providing money for African houses, not only in Nairobi but in many other towns in this country. There is one thing that I want to raise for the consideration of the Minister. When the Central Housing Board gives loans to local authorities, do they have any say in the standard and quality of the houses to be provided? If so, why do they allow so many inferior houses to be built all over the country for the Africans? I am sure they can use the same amount of money and build better houses. Most of the houses, not only in appearance but in construction, are appalling and I feel that, if this money is going to be spent, then the standard and the quality of houses should be improved. I see we are going to spend £2,000,000 for providing 5,000 dwellings for 2,500 Africans and this is designed to take 2½ years to build. I am wondering whether after building these houses—spending a lot of money in ten or twenty years anybody will like those houses because of the quality. I feel that it is a matter that should be considered.

Now I come to the question of high standard houses for the Africans. This is not the first time of raising this matter, but the Minister for Housing has on more than one occasion assured me that something is being done, but I think our patience is being exhausted, because every time we are told the plans are ready, and so far we see nothing done and these houses are required. I feel that it is a matter that should be taken as a matter of urgency, and we should provide these better houses.

My last point in this matter about housing is the question that was raised about leases. I was most astounded to hear that, in a place like Nairobi, the survey is also a problem. I quite understand that it could be a problem outside

[Mr. Gikonyo] in the reserves and other places, but in a place like Nairobi I am at a loss to understand why even the African locations have not been surveyed to enable the Africans who own houses there to get title deeds. I cannot understand that, and I feel it is a matter that the Minister should take up and see that those Africans who have their permanent houses there should have leases. He says that he does not know of any uneasiness, but I can assure you that it does exist. It is there... I may not know where, but I do know that there is.

Well, Sir, the last point which I want to raise is the question of trade unions. Here I want to pay my tribute to the very excellent speech from the Minister for Education, Labour and Lands. I feel that he put the case very well for any Member who was not aware of Government policy. I think that the Government is right in encouraging the trade unions on the proper lines. There is nothing that will send people underground more than to refuse them to speak in the open. If you refuse them to speak their minds in the open, naturally they will go underground, and if the trade union movement is assisted or directed on the proper lines, I think they will be the better for it. Any other policy is negative. I know he answered the question of the vacant post of the Industrial Relations Officer. I wish to ask him whether it would not be possible to appoint the African who is acting at present—for this officer to the post—I understand he has discharged his duties with great credit—permanent staff—to vote the post—because I understand he has been holding the post for one and half years, and he has done very well, and, although we heard yesterday from the Minister for Defence that so far no African is capable of holding higher posts, I feel this officer warrants a consideration. He has done credit, and I feel it would be right to consider the appointment to this post.

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

Mr. J. S. PATEL (Western Electoral Area): Mr. Speaker, Sir, in supporting the Motion before the Council, I would like to pay tribute to all the people in the country—both in Kenya and overseas—who have contributed in bringing us to a stage where we are able to say

that the end of the Emergency is in sight. I also should like to record my very high appreciation of the care and concern which the British people have shown towards us by not only giving us financial help, but also men and materials.

I would now like to make a few observations on the various points mentioned by His Excellency the Governor. We see in the course of his speech that it is proposed to introduce legislation whereby prices will be controlled. I hope that the control of the prices will be not only of benefit to the producer, but will also tend to lower the cost of living in this country, which is going higher and higher every day. I am very happy to know that it has been possible to allocate more money for water supplies for various townships and other areas in the country. In the outlying districts in my area there is a complete lack of water supply in various places, and more development is only waiting because of the lack of water supply.

It was very gratifying to note the success that the Minister for Finance has achieved in the over-subscription of the loan which he has raised for the benefit of this country. I think this over-subscription of the loan is an indication for the Minister for Local Government to take an example from, and try and build housing on a scale which I am pretty sure everyone in this country would support very strongly. If we have in this country political stability, for which we are all fighting, not only will there be more investors, but money will also come from overseas.

The industrial development proposals are also a very welcome sign.

As regards rent control, it is absolutely imperative that our present legislation should be altered and made on the same model as the English law, so that sufficient protection can be given to the tenant in future.

His Excellency the Governor has mentioned about the life of the Central Legislative Assembly. I wish he had mentioned, while reviewing the life of the Central Legislative Assembly, that it needs a greater membership, and it needs a lot more subjects, such as mining, roads, *et cetera*, so that the Central Legislative Assembly could be made into a more active and live body.

[Mr. J. S. Patel]

As previous speakers have said, we are very anxiously awaiting the White Papers on the Courts Report and the Royal Commission Report. I was rather surprised to hear the Minister without Portfolio mention about the Royal Commission Report that it is a document the recommendations of which—most of them—are very complex, and some are very impracticable. My experience is, Sir, that when a person does not want to do something which does not benefit him, he always considers that particular problem as very difficult and not capable of being solved.

AN HON. MEMBER: Have you read the report?

Mr. J. S. PATEL: In the course of his speech, His Excellency the Governor also mentioned that considerable progress has been made on the subject of education. I must admit that, compared with the past years, progress has been made, but much remains to be done. The Director of Education and the Minister have only to look at their own last annual report to find that 35,000 children are being taught by only 1,253 teachers, out of which only 422 are trained. Throughout the whole of Kenya there is not a single hostel so far. Except in the big centres like Mombasa, Nairobi, Nakuru, Eldoret, Kisumu, and Kilale all other places have grant-in-aid schools. The Director himself knows that the standard of education in these schools is very low and, as the number of children in these schools—particularly in places like Kakamega, Kericho and Kisii—has gone over the limit of 200—and as these are feeder schools to places like Kisumu and Nairobi—the standard of education being low—as he has already acknowledged—so they would not fit in, and it would be a bad thing if the children coming from these schools should be thrown out into the streets without any education. It is therefore imperative that we should immediately consider taking over, particularly the three schools—the very large schools in my area, and provide for better education.

Now, His Excellency also raised in the course of his speech that it is proposed to lay a White Paper on immigration, because he considers that alteration, in the light of experience gained in the

past, is necessary. If this White Paper contains encouragement for people who have got capital, skill and enterprise for the benefit of Kenya in general, we would very much welcome it, but if this immigration White Paper contains restrictions for one and openings for everyone else, we would strongly oppose it.

We have also read that there is an intention of creating an African teacher service for the benefit of the Africans and the African teachers generally. Now, I am personally rather surprised at the necessity for creating separate recommendations of services after we have had the Lidbury Report. I thought, after Lidbury, we had buried all the racial segregation, but I think in this new venture of creating an African teacher service the racial services are again being revived. I hope that is not the intention.

Talking about medical matters, His Excellency the Governor said that there has been a considerable loss of trained staff and, after the system of villagization, he has found that a number of people in this country are suffering and are not being attended to, whereas we see that obstacles are being placed in front of people who want to come to this country, having passed their medical courses. Recently a law has been passed by which any medical practitioner who has not got one year's hospital experience is not allowed to enter this country. Now, everyone knows that medical study is not an easy study. If a man becomes an M.B.B.S. and passes his medical degree—first of all, to enter into a medical college is a most difficult task. Then the passing of an examination is another most difficult task, and, after he has passed this examination, the imposition of one year's hospital course in any recognized hospital in India or the United Kingdom is an absolutely impossible thing. People cannot get to that stage at all. Even if a man wanted to have a year's experience, he is not admitted to any of these hospitals. There are many obstacles here in Kenya, and I would therefore request the Director of Medical Services to be rather generous in applying the recent law which he has in his hands against the medical practitioners.

[Mr. J. S. Pate]

Talking about local government rating, I would like the Minister for Local Government to see that the rates which are—or have been—collected in the past by the various local government bodies are being expended for the purposes for which they are collected. Let me inform him—and I think perhaps he knows—that when a person buys a piece of land he is asked to pay charges for roads and drains, and for 15 years the occupant has not seen a road or a drain. One wonders where the money goes. I can give him definite examples if he wishes to know them.

Replying to a recent Motion, the Minister for Local Government said that roads are provided, based on the value of the plot. If you see in Nairobi, the Bernhard Estate value of the plots is not as great as in Eastleigh. Yet in Eastleigh there are nothing but pot-holes all round. Looking through the entire report, I do not find a word with regard to agriculture—and I now hope and pray that the new, very energetic Minister for Agriculture will kindly see that the Asians, who have made very good progress and success in that small patch in my area, are given further encouragement and provided with better facilities to contribute to the economy of this country.

My hon. friend, Dr Hassan, made mention of the leases in trading centres, and I am very happy to learn from the Minister that he is prepared to look into it.

Sir, I would like it recorded here that this matter was represented at as high a level as the Secretary of State for the Colonies, when he came to this country and he was given a specimen of the agreement distributed by the District Commissioner to the local trading centres and, after two years, we have heard nothing about it. However, I am happy that the Minister is prepared to look into this matter.

Before I conclude, Sir, I would like to say that I was rather disappointed in not finding a single word in the whole of this speech about the Lyttelton Plan. The country all over—not only Kenya—the world over—people are waiting to see the result of the experiment and if

it is a good experiment which we have started in this country, a statement from the Governor would help to satisfy, not only people locally, but overseas as to what is going to happen to the Lyttelton Plan. Has it come to stay? Has it come to be modified? Or is it only a paper elephant in order to make a show to the world?

We noticed, in the course of His Excellency's speech, that it was intended to revise criminal law. I would request the Ministers concerned to see that in this revision nothing is done to unduly disturb the civic liberties of the people of the country, because it is civic liberty alone which has earned their great name for the British people throughout the world.

I have heard in this Council a demand for compensations for people who have suffered as a result of terrorist action. I am asking nothing of the kind at this moment, but I am only asking the Minister concerned as to when he intends to open the training centres which have been closed as a result of the Emergency, now that the Emergency is coming to an end. I mean particularly the closing of the centre Kijabe in my area as the shopkeepers are suffering very badly.

People reading His Excellency's speech have been looking for news, but I am firmly of the opinion, Sir, that news only comes through new hearts and if the immigrant races of this country do not work in harmony, not only amongst themselves, but with the people of the country, and do not earn their confidence in spite of spending all the money and the material in this country, we will unfortunately breed what we do not want to breed—virulent nationalism—in this Colony. I hope and pray that the people who have broken the record of climbing Everest, the race which has shown such high character, will evolve in this country such schemes and will practise in this country such philosophy as a result of which all of us who are placed in this country would establish lasting peace and be an example to the rest of the world.

I support the Motion.

MR. WADLEY: Mr. Speaker, Sir, I should like to thank those hon. Members on the opposite side of the Council

[Mr. Wadley]

who have made complimentary remarks about the progress of education and expressed their general satisfaction with it. There were, however, among the bouquets which were handed out, one or two hardy annuals on which I should like to speak.

The first of these was the one raised by the hon. African Representative Member, Mr. Mathu, and also by the hon. Mr. Gikonyo of the accelerated development of African education in Nairobi. The hon. Member referred to that portion of His Excellency's speech which dealt with this programme and which said that three new African Primary Schools of this new pre-fabricated material were in course of construction. He went on to say that this was hardly to be called accelerated development because three schools were most inadequate to meet the needs of the situation. Well, Sir, I would like to remind him of what I myself said in this Council earlier in the year, namely, that there is a programme of accelerated development covering the period from now until the middle of 1957—that is the end of the present planning period—during which it is proposed to put up no fewer than 13 schools. Again, if funds are available in the coming planning period, we propose to continue until 1960 at the same rate of construction. In 1960, there should be according to our calculations, places for approximately 80 per cent of the African children of school-going age in Nairobi. Now I maintain, Sir, that that is a programme of very accelerated development—a programme which I venture to say has not been attempted or equalled in any other African Colony.

The same hon. Member expressed some misgiving about the method of construction which we are using. I would not be so rash as to say that there will be no difficulties with this method, but we are very confident that the buildings that are being put up will last for at least 30 years; we think, too, with a minimum of expenditure on maintenance. I think perhaps the best answer I can give the hon. Member on this particular point, is to suggest that he should join his colleagues, who I know, within the next few days, are going to be given a conducted tour of these new

schools, and he will then see for himself what they look like and how very good they really are. I should be most surprised if he is not pleased with what he sees.

The same hon. Member went on to say, as did Mr. Gikonyo, that their great desire was to have compulsory education in Nairobi. Well, Sir, we realize that that is a legitimate ultimate objective, but, as I have pointed out before, the programme which I have just outlined is all that we can afford with the resources now at our disposal. It is also as much as we can do in the light of the human resources available in the way of trained teachers, and here I must sound a note of warning. We must remember that it is no good talking about having large numbers of schools in Nairobi, unless they are staffed with qualified and satisfactory teachers. In order to develop as we would like later on and to provide education for all children of primary school age, we must first concentrate on the secondary and teacher-training levels.

As I have said before, we think that it is important that the balance of development should not be upset by undue expenditure at this stage on development in the urban areas. This is a matter on which my department feels very strongly, and on which also the Advisory Council on African education has expressed very strong views. It feels that nothing must interfere with the proper development at the secondary and teacher-training level. I would like to say here that we feel that particular priority must be given to the provision of more facilities for the training of African women teachers.

The hon. Mr. Gikonyo referred to the negotiations which have been going on with a view to establishing a Women's Teacher Training College at Machakos. The hon. Member, who is also a member of the Advisory Council on African education, is well aware of all the difficulties which we have experienced in this particular regard—difficulties caused by the Emergency, by the particular brand of soil which seems to pervade the whole of the Machakos area and so on. I am glad now to be able to tell him that a decision has been taken to go ahead on the Machakos site. A considerable amount of preparatory

[Mr. Wadley]

work has already been done. The architect has been busy for some months and I can see no reason now why building on the ground should not take place very shortly.

Another point raised by the hon. African Representative Member, Mr. Mathu, was of the number of senior African officers in the Education Department. He referred to the department's 1954 Annual Report and pointed a finger of scorn at the statement that one African officer had been appointed to the rank of Education Officer. He went on to say that this really was not much of a showing for a department which, in his opinion, ought to set an example to the rest of the Colony. Well, Sir, my observation on that is that the hon. Member's information is not up to date. I think he does not realize the speed at which action can be taken on this side of Council. The position at the moment is that there are in the Education Department 11 African Education Officers and 35 Assistant Education Officers. Of those, nine officers in all are engaged in administration work. Over and above that in the aided schools, there are seven officers of Education Officer status and a considerable number—I cannot give him the exact figure now—of officers of Assistant Education Officer status. Now I hope that with that statement he will agree that a very considerable advance has been made since the position as recorded in the 1954 Departmental Annual Report.

There is one comment, however, that I would like to make on what the hon. Member said yesterday. He was complaining about the lack of promotion for African to administrative posts. The point I want to make here, Sir, is that there seems to be prevalent an idea, not only with the hon. Member, but with many others, that administrative posts are the ultimate objective and the thing most to be aimed at by every officer. They represent the culmination of a career—the most desirable thing that can be achieved. I would like to kill that idea now. Education Officers are available for a variety of duties; they may be administrative, they may be institutional and it is the man in the institution—the man in the school, the man in the teacher train-

ing college—in my opinion, who is more important than the man who is doing administrative work. He is the man who deals with the human material—the boys, the girls, the young men and women who are going to be the teachers and the citizens of the future.

Council suspended business at five minutes past Eleven o'clock and resumed at twenty minutes past Eleven o'clock.

MR. WADLEY: Mr. Speaker, Sir, before the adjournment I was dealing with a number of questions which had been raised in connexion with African education and, while we are on that subject, I would like to deal with the other points which were mentioned.

The hon. Member for African Interests, Mr. Gikonyo, said that he would like to know what the general position was throughout the Colony with regard to secondary education. I think perhaps I cannot do better there, Sir, than to quote, first of all, a statement made by my hon. friend, the Minister for Education, in the Budget debate earlier in the year, when he said this: "With regard to secondary education, in 1946 there were five schools, aided all of them, with 387 pupils and in 1954 there were 16 schools with a little over 2,000 pupils". That number of pupils, Sir, will go up steadily over the next few years though, in the present planning period, it is not proposed to establish any new secondary schools. However, we are proposing to give greater diversity to secondary education and plans are in hand for specialization. We propose to introduce technical, including rural, science, and commercial courses all leading to the School Certificate. These will be introduced as soon as possible. The date of introduction of these courses will naturally depend on the qualified staff being available but indents have been sent to the Colonial Office for technical officers, one has already arrived and one is due in January next.

In so far as a secondary school for Nairobi is concerned, all I can say is that the various regional boards have been asked to submit their plans for development in the coming planning period, 1957/60, and there will be an opportunity for the Nairobi board to state the grounds on which it considers a secondary school should be established in the city;

[Mr. Wadley]

obviously if the request is made it will have to receive very serious consideration.

The hon. Member for the East Electoral Area, Dr. Hassan, raised the question of the education facilities in Mombasa for Muslim Africans and thought that much more should be done. He also indicated that the situation generally at the coast was rather adverse for these Muslim Africans. Now I would like to point out this to him—that is, that there is in Mombasa a District Education Board school designed specifically for Muslim Africans. It is the Mvita School, a large institution which is not yet full, so there is considerable space in existing schools for Muslim Africans who wish to take advantage of it. The same story, Sir, holds good along the coast. I recently visited a number of schools south of the Likoni Ferry, all of them District Education Board schools, all of them with very small numbers and with a lot more space for new pupils if those pupils are forthcoming.

The same hon. Member suggested that there should be a secondary school in Mombasa for Muslim Africans. In answer to that I would say that the Coast Regional Education Board has the same opportunity as others to put forward its claims for secondary schools in the next planning period and they will be seriously considered when they are received. I would, however, say that in my opinion at the present time, the existing secondary school at the coast, at Shimo-la-Tewa, is adequate for existing needs; indeed we have not really, as yet, that competition for places at Shimo-la-Tewa which we would like to see. It is of interest to note that at that school there is a Mosque and, therefore, very special provision for Muslim students which is not available elsewhere.

Turning now to Asian education, I would like, first of all, to deal with the point raised by the hon. Member for the Central Electoral Area, Mr. Chanan Singh, who complained that inadequate recognition had been given to the status of certain principals of Asian schools. He mentioned, in particular, the Duke of Gloucester School. This, Sir, is a matter which I can assure him will receive serious consideration in connexion with the next Estimates. He also expressed the

view that the time had come when hostel accommodation should be provided in Nairobi at the Duke of Gloucester School. With that, Sir, I agree entirely. It has been a matter which has been under very careful consideration for a long time and I am glad to be able to say that we have found it possible, within the present planning period, to earmark £16,000 for the purpose of building the first of a number of hostels to be attached to Asian secondary schools. This hostel will, I hope, be put up in the next financial year. It was not possible to include it in the plans for the present financial year because of other more urgent school buildings.

I was very glad, Sir, that the same hon. Member referred to the excellent work which has already been done by the Inspectorate in the Education Department. For many years there was a rather anomalous position inasmuch as we had a chief inspector of schools with no supporting inspectorate staff other than officers who, from time to time, did a little inspection in the course of their other duties. We have now, however, built up a good team including officers responsible for the inspection of primary as well as secondary schools and teacher training colleges and I am quite sure that they will, in a very short time, have a very salutary effect on all the schools and institutions concerned. The hon. Member expressed some anxiety as to the position and prestige of headmasters which might be affected adversely by these inspectors. I can assure him, Sir, that these gentlemen and ladies will act with due propriety and he need have no fear on that account. But I would like to make this point, that I hope he is not suffering from the delusion that headmasters and headmistresses are themselves, of course, not subject to some inspection. It would be the duty of an inspector if he found a headmaster or headmistress not carrying out his or her duties satisfactorily to report accordingly and it might, of course, be necessary to remove such an officer from his or her position. I do not think such cases are likely to be frequent, but they are a possibility. In such an event, of course, everything would be done in the proper way and through the proper channels and there would be no adverse criticism of a principal in front

[Mr. Wadley] of, or with the knowledge of, subordinate officers.

With regard to the frequency of inspections, the hon. Member suggested that European schools were not subjected to so many inspections as Asian schools. I think, Sir, that that is not so. In point of fact, inspections have been all too few in recent years and, I think, it can safely be said that European schools have had about the same incidence of inspections as any other.

The hon. Dr. Hassan, Member for the East Electoral Area, referred to His Excellency's statement that it was proposed to set up a secondary modern school for Asians in Nairobi. He said that he welcomed this and that he would like to see much more provision of this kind. My comment on that, Sir, is that these secondary modern courses are a comparatively new innovation in the United Kingdom, they are newer still here, indeed in Asian education they have only been tried for the first time this year. We must experiment. We must see how things go in one or two schools before we expand to any great extent. We shall learn a lot. I know, from what has already been done in Nairobi and I can assure the hon. Member that as soon as we have seen the way in which we should go, which I think we shall do fairly quickly, and, as soon as teachers with requisite experience and training are available, we shall develop this type of secondary education as quickly as possible.

While we are still on Asian education, Sir, I would like to refer to some of the comments made by the hon. Member for the West Electoral Area, Mr. J. S. Patel, who said quite rightly that although a great deal of progress had been made already, there was room for much more. He mentioned, in particular, the small number—small proportion—of trained teachers. All I can say here, Sir, is that we are developing and extending our existing training colleges, building schemes are under way at the moment and within the next year or two we shall be in a position to increase the output two-fold or even three-fold. I know too that the hon. Member is very well aware of the need for encouraging Asian young men and women to go in for teacher

training. He and his colleagues have already done a great deal, but we are still not getting as many candidates as we would like and I would make one further appeal to the hon. Member and his colleagues to see if they cannot do even more to encourage enrolment in the local teacher training colleges. As he is aware, Sir, the prospects for these young men and women are very good indeed and I should have thought that the career open to them was a very attractive one.

The same hon. Member referred to the possibility of transferring a number of private schools to Government management. This is a matter, Sir, which has also been raised before and I can assure the hon. Member that we will again give it consideration, but there are a number of difficulties. Quite apart from the question as to whether it is desirable that Central Government should continue to increase its commitment in regard to the schools which it runs itself, there are financial repercussions also in such a suggestion. I must warn the hon. Member that things being as they are at the moment, and trained teachers being so short, and with difficulties also of housing, there is no guarantee whatever that a change of management would have any immediate effect on the schools he mentioned. In the meantime I can tell him that these schools, as all other aided schools, are bound to benefit from the inspectorate staff to which I have just referred and, in addition, my administrative officers will give them all the help and assistance which they can.

The other point which the hon. Member mentioned was to refer to the African Teachers Service and to express surprise that this particular service should have been set up, or that it should be proposed that it should be set up, after the implementation of the Libby Report. I would remind the hon. Member, Sir, that the decision to set up the African Teachers Service was taken by this Council as long ago as February, 1954, and that it is therefore a commitment of some considerable standing.

Finally, Sir, I would like to turn to Arab education and to comment on one or two of the points made by the hon. Arab Elected Member, Sheikh Mahfood Mackawi. He asked where the new Arab boys primary school in Mombasa was

[Mr. Wadley] to be sited. The answer is that it will be built on the existing site where there is already a large Arab primary school. I am sure the hon. Member, Sir, is aware of the difficulties in securing school sites in Mombasa. All I can say is that when the question arises of further Arab primary schools—as it undoubtedly will arise in the next planning period—we shall give serious consideration to the suggestion which he has made that there should be a school in the Port Tudor or Makupa area.

Another point which he raised was that Government should give consideration to the establishment of new schools for Arab boys in Nairobi and Kitui. There is, of course, no financial provision for the establishment of such schools in the present planning period nor, indeed, have I yet seen any figures which would indicate that such schools are, in fact, necessary. I am sure the hon. Member would not wish to add to an already complicated position in regard to the racial sub-division of schools and to establish new ones when they were not necessary, especially as an assurance has been given in this Council that Arab boys and girls in places where their numbers do not justify the establishment of separate schools, may be admitted to Asian schools. If there is any difficulty in that regard and if the hon. Member will let me know I will see that suitable action is taken.

I think, Sir, that that deals with all the educational points which have already been raised.

I beg to move.

MRS. SHAW (Nyanza): Mr. Speaker, Sir, in rising to support the Motion, I should like to join other Members in agreeing with His Excellency's assessment of the general improvement in the Emergency situation and would like to add my humble tribute to all branches of the Security Forces. Perhaps it is invidious to single out any particular branch, but I do feel that the very high courage in the face of extraordinary danger faced by the young men and all members of the Field Intelligence Service should have special mention.

I would like to assure the hon. Member for Mount Kenya who led off in this debate that, while realizing how

lucky we are to live in the safe areas, the people who I have the honour to represent do appreciate the months of strain, danger and the financial loss borne; borne with such equanimity, if I may say so, by the farming community in the affected areas which he represents. But it is brought home to us literally in many cases by the great number of young men from Nyanza who are serving with the Security Forces and in other branches of the Administration. While agreeing with His Excellency's appreciation of the situation we must all recognize the wisdom of the warning he gave against complacency.

Turning to the subject, which the first part of the speech largely referred to, that of Kikuyu rehabilitation, I would like to congratulate the Administration on the tremendous amount that has been done in that field, for there is no doubt the policy which they have adopted, or adopted after about a year after the Emergency, of villagization, did much to shorten and to bring to the happy stage we are in now that we can see the end of the Emergency. But I would like to point out to the hon. Member, particularly for Mount Kenya, that I believe that it was largely due to the pressure brought to bear on Government by the Members who crossed the floor to take up Ministerial posts, and that some of these policies, particularly villagization, were implemented. So already we can see the benefits of the coalition Government. In this connexion I am very glad to hear the hon. Representative Member for African Interests say—that his people supported the Lyttelton Plan, for this I did not know.

One or two other points on which I should like information from the hon. Minister for African Affairs, or whatever Minister is responsible for the Portfolio under which my questions fall, the first one is the opening up of the bracken areas. That is land—I stand to be corrected by the Minister for Agriculture—eminently suitable for tea production and I would like to know if Government has ever considered using detainees for some scheme for the production of tea with a communal factory in these areas which I think, although it would be a long-term policy, would go towards paying for some of the rehabilitation. I would also like assurance that camps of

[Mrs. Shaw] African labour on the very fringes of the forest and indeed as far as forest development itself is concerned in the forest, that there is going to be adequate supervision and control of movement. I think that is a very important point because, as we know, the forest squatters were one of the means through which the spread of the *Mau Mau* was largely carried on.

I would also like an assurance from the Minister for Legal Affairs that legislation is being prepared now—permanent legislation—which will take the place of the Emergency Regulations should the Emergency be declared officially over to control the movement of Kikuyu for the foreseeable future.

Turning to development schemes for the unaffected areas. I welcomed His Excellency's assurance that the affected areas have not been favoured in this regard. For this has not always been so. I would like to cite rural training centres. We begged the Minister for African Affairs about a year ago for rural training centres to be set up in Nyanza, because it was commonly said that if you wanted to have your son sent to rural training centres, he would have to be a *Mau Mau* first. I think that is a very bad thing. I believe one or two rural training centres are now being set up in Nyanza and have been very much welcomed. So it was heartening to hear His Excellency state that equal development, monetary development, was going to be available in the unaffected areas.

I welcome the expansion and the change of policy as far as the Administration is concerned over African women's education as a sign that at last Government has realized the importance of women in the scheme of things. The response to this policy has been so good that there is a danger, of demand, outstripping facilities. There is a general awakening when you travel through the African areas, there is a general awakening of the African women which is shown by the very rapid growth of the *maendeleo wanawake*. I should like here to issue a note of warning to the Department of Community Development and I ask that the Minister for Community Development takes particular note of this warning and that is, that the Depart-

ment must be made very sure that they are not going to start schemes for rural and district homecraft centres if they do not intend to carry them out, because that has a very bad effect on the African women, and I happened to be in an area in North Nyanza the other day when an African teacher was told that some of the 79 homecraft centres, that have been set up in the districts throughout the last four years, would have to be closed down. Now I understand that in their enthusiasm, Nyanza had outstripped the department plan, but I think it is up to the Minister and his associates in that department to see that this very unfortunate thing does not happen again.

Now, continuing on the subject of development and turning to the side of the secondary industries, as far as I can remember, His Excellency did not forecast the setting up of any particular new industry and in this I was disappointed. There was a mention, of course, of the margarine factory and I am not sure about cement, but I believe that during my first year of office in this Council, I heard about that margarine factory and that seems quite a long time ago. I am a little disappointed that our Minister for Commerce and Industry is rather like a conjurer, with one old trick and I would rather appreciate something new in his repertoire. I do, of course, welcome the fact that money has been voted for water supplies, under Supplementary Estimates I believe, because there were £240,000-worth, scheme values, of water supplies cut out under the Budget and that certainly has retarded development in many of the outlying areas. Although no development can go forward without communications, I cannot remember any mention of roads in His Excellency's speech. That seems to me a very extraordinary omission but as roads will be fully debated at a later date in this Council I shall not pursue the matter now.

A continued flow of new capital is certainly encouraging. But I would quote—with your permission, Mr. Speaker—the warning given in the Royal Commission Report where in Chapter 8, paragraph 53, it says: "New taxation which has added to an already heavy burden in order to provide revenue for other

[Mrs. Shaw] desirable objects of social quality will, if it has the effect of checking the expansion of economy, nullify its own purpose. The weight and argument lies on the side of law rather than higher taxation. Now many people feel that the limit of taxation has been reached if we are to continue to attract capital for development to this Colony". In this connexion while welcoming the proposed expansion of educational and medical facilities for all communities, I would sound a note of warning. Although I believe that it is not so much in the curtailing of the services, it is not so much that which is required, as a more efficient running of Government Departments in the interest of the economy.

It has struck me as a curious omission that in the light of the Colony's financial position to-day, no mention was made in the Governor's speech of economy, nor was there any reference to the work of the team from the Department of Organization and Method of Her Majesty's Treasury which is supposed to be operating in this Colony now.

I welcome the pronouncement that Government's policy as regards the future of broadcasting is to be debated for I feel the uncertainty of this matter has had a very deleterious effect on the very excellent service which the Cable and Wireless give us in this Colony.

I also welcome the statement contained in the Governor's speech to quote: "the healthy development of trade unions". If "healthy" is to be the operative word and after hearing the very able speech of the hon. Minister for Labour, I feel it is to be so and that is very reassuring. In the early days of villagization, I expressed my deep concern in this Council over the plight of the Kikuyu children orphaned through the incidence of *Mau Mau*, and it is comforting to feel that these children are now being cared for, but, while acknowledging my relief at this, I should like to pay a very high tribute to the Red Cross and to the Save the Children Fund who stepped in at a moment and carried this burden before Government could properly organize the missions into doing so on a regular basis.

Another thing the Emergency has brought to light, is the need for revision

of the penal code. I cannot understand my hon. friends on this side of the Council representing the Asian community, in their fear that this revision is going to curtail the liberty of the subject. I think, and I should like an expert in the form of the Minister for Law and Order to correct me if I am wrong, that all this revision will do is to bring in a form of law more suited to the needs of the Colony to-day. I think the Indian Evidence Act has been out of date for a very long time; in fact in my maiden speech I think that was one of the points I made when I spoke of police policy under the Budget speech in 1951.

A note of hope from the improved situation in the fight against *Mau Mau* was offset by a note of caution against complacency. This I think was very right and proper. In reviewing the progress made in our development and suggested expansion of our social services, I did not notice any note of caution, no warning for the need for economy, or of the necessity of cutting our coat according to our cloth. And, while I listened, I could not help thinking that had I been a shareholder at a company meeting listening to the chairman's report, I should have felt anxious, very anxious, about the wisdom of some of the policy and the security of my money. Yet, Sir, are we not all shareholders in this Colony? Certainly those of us who have made our homes here, and who have invested our capital here are very large shareholders, vitally interested in her future and we have a right to protest against a policy of spending which may enable us to join the company of welfare states at a cost possibly of bringing the Colony within the reach, or rather on the verge of bankruptcy.

Mr. Speaker, I beg to support.

DR. WALKER (Nominated Member): (Applause.) Mr. Speaker, Sir, I did not intend originally to join in this debate, but I am now rising in order that I may give some explanation on two points that previous speakers have made so that perhaps the support to this Motion may be of a more informed character than it would otherwise have been.

The first point was made by the hon. Member for the Western Electoral Area, Mr. Patel, who asked that there should be a sympathetic application of the recent

[Dr. Walker] amendments to the Medical Practitioners and Dentists Ordinance. In this amendment, you may remember, the Council decided it would be necessary that all medical graduates should have one year's post-graduate experience before being allowed registration in this Colony. I would like to reassure the hon. Member that at a recent meeting of the Medical Practitioners and Dentists Board, this question was taken into very sympathetic consideration. The Board is going to make full use of the power that is vested in it under section 6 (1) (a) (ii), which reads, *Inter alia*, "that the Board can give registration to such persons who have had such other experience of not less than one year as the Board may approve".

In order that we may give new graduates that experience, other than in a group institution, approved by the General Medical Council of Great Britain, the Board asked the Medical Department whether they could make available more intern posts. At the King George VI Hospital we will be able, I think, to have up to 12 intern posts available. Perhaps that will not be sufficient to provide for all the requirements of graduates coming from Great Britain and India. The Medical Department will make available other posts which will be approved by the Board for the purposes of post-graduate experience. Unfortunately, these other posts which the Medical Department will make available, will not necessarily be approved by the General Medical Council of Great Britain. That means the graduates who gain their experience in these posts will only be locally registrable and will not be registrable in Great Britain. I am sure, however, that that is of small moment as many of the doctors coming to Kenya wish for local registration and have no intention of seeking registration or practice in Great Britain.

There is another category of doctors who may suffer hardship through the passage of the recent amendments to the Ordinance. This class of doctor consists of the men who have qualified, perhaps in India. They might have been qualified for five years and then seek admission to Kenya to find that they have to undergo a year of post-graduate work. Now

those doctors may be very experienced indeed though they may not have had post-graduate experience in an approved hospital abroad. Bearing this in mind, the Board has set up a small sub-committee which will consider these cases on their merits, and sympathetically I am perfectly certain. This sub-committee is to meet early next week.

With regard to the second point, the hon. African Representative Member, Mr. Gikonyo, said that he is not happy to see that the dispensary services in Nairobi should pass to the City Council. I would like to reassure him on this point, but, before I reassure him, may I agree with him and say how happy I am to hear that he considers the queues at the General Dispensary at the moment are queues of appreciative patients seeking our services. I do agree with him, but not in the whole, because I cannot entirely bury my head in the sand. I think these queues are due in part to the General Dispensary having outlived its usefulness. The Medical Department has endeavoured to provide the best possible services that they can with the finances available, but it now seems to us that a centralized dispensary in a big city like Nairobi is not the most efficient way of providing out-patients with medical services in this instance. It is much better that we should have a series of dispensaries throughout the town where the patient can, without too long a journey, find the medical attention he needs. If, therefore, we are to have a series of dispensaries throughout the town, it is better that the local authority should run them. They know the exact local circumstances, they know where to put them and they are able also to run them in conjunction with the already established child welfare and ante-natal clinics.

The hon. Member has expressed some disquiet that fee paying should be introduced. We must introduce fee paying if we are to improve the services. The services cannot be improved until there is more money available to give scope for the employment of more staff and the purchase of a greater variety and quantity of medicine.

At the moment, the Government is instituting fee paying because it wants to get preliminary information on the difficulties that we will encounter. When we

[Dr. Walker] hand over the services to the City Council, we will be able to give them the benefit of our experience.

The hon. Member felt that the City Council may be tempted to increase fees beyond what we would consider reasonable. May I reassure him that the dispensary services in Nairobi City and elsewhere are run as a partnership between the Medical Department, that is to say, Government, and the local authorities. The partnership is a partnership of common interest to provide the best possible services for the money available. There is also a closer partnership, in that the Government does subscribe financially to the support of these dispensaries through the local authority estimates. As we are so much in partnership with the local authority, Government has a right, and this Council has a right, to call into question any aspect of the running of the dispensary service, in order that justice may be done both to the local authority and to the patients making use of the service.

I feel, Sir, that having explained what the position is, we should be able to ask for the co-operation of the public and of hon. Members in this venture of ours which is designed to improve the services, not only for out-patients in Nairobi, but to improve the services throughout the Colony. We are only asking patients to pay what they can afford and it is well worth support.

MR. SLADE: Mr. Speaker, in supporting this Motion, I should like to join others in expressing appreciation of certain very satisfactory and encouraging features of His Excellency's speech; and also another, very encouraging feature, which is to be found in the tone of speeches from hon. Members opposite. It has appeared to me, Sir, in recent debates, and particularly in this debate as far as it has gone, that we are hearing from hon. Members opposite speeches that indicate greater vision and greater self-confidence and less complacency than we have known for some time past. I might say, Sir, that typical of that happy atmosphere was the speech we have just heard from the hon. Member who has just spoken. That seemed to me, Sir, precisely what I am trying to describe; a speech of vision and assurance without complacency.

Sir, one could spend quite a lot of time listing all the features in His Excellency's speech that call for satisfaction, but I am afraid it is rather a waste of time in this Council. And so I find myself in the usual position of having to devote what time I have to give to criticism and, in doing that, Mr. Speaker, I do want it understood that I have not only criticism in my mind.

One point, Sir, that did strike me as a general comment on the speech, was that on occasions like this one rather expects the speech from the Chair to be a clear indication of general policy on the matters of greatest concern to this Council; whereas, it appeared to me, this speech, though telling us of much that had happened and much that was going to happen, much in the way of events past and future, only here and there gave us a clear indication of policy—policy as opposed to isolated events. I do hope, Mr. Speaker, that those hon. Members opposite who still have to speak, will do what they can to make up what appears to be a deficiency in that respect; and that each, in speaking to his portfolio, will give indications of general policy.

Sir, turning to various aspects of most interest in the speech, the first one of course is the Emergency. Commenting on that, I would like to support the hon. Member for Mount Kenya in his brief exposition of what might be called "I told you so". It is not, as a rule, very productive to speak in this Council of warnings that have been given and then ignored and then proved right, but I do think, Sir, that the hon. Member was justified on this occasion. He gave one or two very clear instances of how advice from this side of the Council has now been accepted, but how much loss of time, money and life might have been saved if it had been accepted earlier. I think all hon. Members know, Sir, that there are many, many other examples. I think His Excellency's speech itself points to another one, when he tells us that the pace of the improvement in the security situation has, particularly during the last three months, increased greatly. I would remind hon. Members that it is just about three months since the "no trial" surrender

[Mr. Slade] terms were withdrawn. I am not going to elaborate that; Mr. Speaker, but I do say in support of the hon. Member for Mount Kenya that the course of events over the last two or three years has shown why it is important for hon. Members opposite to take our recommendations seriously, even if we are few in number. We have an assurance to-day from the hon. European Minister without Portfolio that they are taken seriously. I suggest that the past three years have rather indicated otherwise, but perhaps we shall see a different attitude in the future.

Sir, it was indeed a great relief to find His Excellency stating so clearly, more than once in his speech, that however much the situation has improved, there is no ground for relaxation or complacency. We, in the troubled areas, are very much aware of that. We are very much aware how essential it is that we maintain the efforts that we have been making during the last two years. The hon. Member who seconded this Motion stated this so clearly—that we are willing to do it, and that, if we do it with as much strength and will as we have up to date, the end of the phase of violence may not be very far off. Sir, the people who have to undergo various restrictions and losses in order to bring this Emergency to an end—the farmers who have to suffer all kinds of limitations of their activities through the denial of food regulations, and their African employees who have to suffer likewise—are taking it willingly; and will continue to take it, so long as they are really sure that Government means what it says, in saying there will be no relaxation or complacency. It is important that they should be sure of that, Sir, because indeed their losses are very great. It is not only a question of mental strain—sometimes physical strain—but it is a question of real financial hardship the whole time, and it is hard for people to realize how far that hardship goes who have not suffered it. I might give one example; it is the considered estimate of the General Manager of the Kenya Co-operative Creameries that dairy produce reaching the Naivasha factory has been reduced by something like 25 per cent since these denial of food regulations were brought into

force. That is a reduction, Mr. Speaker, of about 25 per cent as compared with an overall increase of dairy produce throughout the Colony.

Sir, farmers who are suffering these things, their morale must be sustained. They must see that Government also is maintaining the pressure; and when they hear that three battalions are being taken away, they must see, as well as hear, that other efforts, other offensive efforts, and other defensive efforts, are going to be made to supplement the vacuum caused by the removal of those troops. Likewise, in matters where we have pressed for something for a long time and eventually we have been promised it will happen, such as the fences round the forest boundaries, we want to see it happening and not lagging. Now we were assured a little time back that Government had accepted the policy of establishing fences along certain forest boundaries. Indeed it has been done I know with very great effect around Embu and along the Aberdare boundary of the Kikuyu Reserve; but along the Kinangop forest boundary, we have seen a half-hearted attempt started and apparently fizzling out. We have seen established along a certain distance, but by no means the whole length, along a certain distance, a fence comparable with the kind of fence that squatters put round their fields; which the gangsters can push down, and, in fact, have pushed down when wanting to take cattle through them. Now, Sir, when farmers are asked to keep up the denial of food restrictions, but see that sort of apparent half-heartedness on the part of Government it is asking rather a lot of them.

Again, Sir, another example of where Government can show its determination as well as talking about it, is on this question of removal of crops before the enemy can get at them. Now that is Government's contribution, parallel to the farmers' contribution of denial of food. Now the Minister for Agriculture, in answer to a question of mine a day or two ago, was very frank in acknowledging the difficulties, and I must say that, by his frankness I am reassured. But I do urge the importance of finding an answer to this problem somehow, and finding it quickly; again, in order to reassure the farmer, and the African who

[Mr. Slade] is working for the farmer, and to get the best co-operation out of them.

Last, but not least, naturally, Mr. Speaker, in sustaining the effort and the morale of farmers in these matters, there is the question of compensation for financial loss. Now, the hon. Member for Mount Kenya spoke about that and he was answered by the hon. Secretary for Finance. Again, I want to support the hon. Member, and to deal with one or two points made by the hon. Secretary. We are aware of the fact that Government is now contributing the whole of the cost of the farm guards, and we are very grateful for that; not only for its monetary value, but also for its psychological value, in showing that Government is appreciating what this is costing the farmers. But the thing does go a great deal further than that, Mr. Speaker. The losses suffered by farmers I am not going to describe in detail. I have given one example, but it is the cause of the loss that I would like to discuss for a moment. We have all recognized, I think, Sir, that indirect losses resulting from the existence of an Emergency, or resulting indirectly from subversive activities, are beyond reach of assessment, let alone compensation; but these losses suffered by farmers are of a different order. They are losses suffered as a result of Government directions, and of compliance with those directions. They are the result of doing what we have been told to do. In that way they differ from any more general indirect losses. They represent really something that a particular section of the community has been required to do, for the benefit of the country as a whole; and to that extent there is a very good case for saying that the cost of doing it should, as far as possible, be borne by the country as a whole. Now, I do not intend to press it as far as that; but, if, Mr. Speaker, we view it in that light, we do, I suggest, see the case for rather more generous scale of compensation. The hon. Secretary for Finance has referred us to the existence of what we know as the "Hardship Committee"—a committee which is there to investigate cases of hardship arising from orders of this kind. But, when you consider the number of cases that have come before that committee, and the

fact that apparently compensation is limited to £500, you realize that the scope is very small. £500, Sir, I am afraid is a drop in the ocean. The difficulty also lies I think, Sir, in the fact that, as far as I know, no cases come under the consideration of this committee unless the farmer concerned is prepared in effect to come and plead poverty—plead that he is in a very bad way. I know the temperament of many of our farmers, and that is the last thing they are prepared to do. I would suggest, Sir, that we might approach this problem from now onwards with a little more imagination, and a little more generosity, and a little more positive attitude, by asking this committee to make positive investigation through production committees of the extent to which various farmers have suffered loss without necessarily the farmer initiating the investigation; have a general survey and see the real extent of the loss and then see whether really substantial compensation cannot be paid. That applies, I say again, Mr. Speaker, not only to the farmers themselves, but to some African employees of farmers who also, through these same regulations through a desire to co-operate, have suffered considerable loss.

Mr. Speaker, with reference to His Excellency's remarks on rehabilitation and to what the hon. European Minister without Portfolio said in supplement of those remarks, I think I can say we are substantially in agreement, but it may be that I can add my word of caution to that uttered by others; we cannot be too careful in our application of the policy here described. It is one thing to say you are going to be very careful, and another thing to be careful. I have been made all the more anxious by a little example which occurred in the Rift Valley only very recently when an initial experiment of the return of a group of Kikuyu tribesmen to employment in the Rift Valley Province proved disastrous, disastrous because the men who were returned were found very quickly—and I am glad to say quickly—to be the very worst type we could possibly have. They were the deepest "grey"; they were men who were not being sent out of the reserve because they were picked proved loyalists—they were men being sent out of the reserve, because the

[Mr. Slade] reserve did not want them. And that is quite disastrous, Mr. Speaker, and I hope that that is not going to happen any more. That is a denial of the care which we are promised. I would like an assurance that nothing like that is going to happen again.

The same applies, not only to the experiments with returning Kikuyu, Embu and Meru tribesmen to employment in settled areas, but also with these experiments in the forest areas. I do believe, Mr. Speaker, that the latter experiment is particularly dangerous. We are assured by the hon. European Minister without Portfolio that there will be adequate control. We have been assured of that before, and I am very, very anxious about this experiment, and I only hope that it will be conducted on so small a scale, and developed so slowly, that we can all see for ourselves that the control is really adequate, before any further step is taken in the same direction.

Lastly, on the subject of the Emergency, Mr. Speaker, I would like to refer to a passage in His Excellency's speech where he promises us that it is the Government's firm resolve to pursue, capture and bring to justice those who persist in the evil practices of *Mau Mau* despite the generosity of the surrender terms offered to them. There again, Mr. Speaker, that is cheering to read. I should like to see it in action. I am getting very nervous about the number of men who surrender, or who are captured in the forest, who are not being brought to justice. I know that many of them are extremely useful to the Security Forces—at any rate for a matter of 24 hours or 48 hours—when they come out with fresh information. I believe that very few of them are of any use after that. It may be that you get the rare exception of a surrendered terrorist, or a captured terrorist, who is of continuous use to you, as well as having satisfied you completely of his change of heart; you may be justified in using him, and giving him his pardon; but in the great majority of cases, the mere fact that he gives you useful information is no reason for not afterwards bringing him to justice, particularly now we have got rid of the "no trial" surrender terms.

But what I am saying is that these men who give their information within the first 24 hours are kept on indefinitely as appendages of various establishments, especially of investigation, screening and so on, where, I believe myself, Mr. Speaker, they are not only useless but a menace. Further than that, you are creating a dangerous precedent. In a debate, not many months ago, in this Council, we discussed the fundamental importance of preserving respect for law and order. Mr. Speaker you cannot preserve respect for law and order if known criminals are not brought to trial.

Mr. Speaker, turning to another subject altogether, but one of considerable interest to me in my profession, I was very glad to read in His Excellency's speech of the intention to start with law reform, more particularly the replacement of some of the applied Indian Acts. Now, my hon. and learned friend, the Member for Central Area, suggested that that should not be encouraged because it would necessitate the lawyers having to learn their law again. I sympathize with him to some extent on that; but I do not think the position is as bad as he suggests, in that when we replace Indian Acts, to the best of my experience, we always do it with legislation that is more representative of the English law on which most of us were trained. But, however that may be, the fact that it is going to be something of a burden on the profession, is no argument against doing what may otherwise be necessary, and it is very necessary that Indian Acts, which were passed anything up to 100 years ago—actually the Evidence Act was 1872, as far as I can remember, and others are even older—and were passed to provide for conditions which are not at all similar to any conditions which we now get in this country; that they should not remain on our statute book, getting less and less applicable as our Colony develops on its own lines. So I am hoping that the hon. Minister for Legal Affairs is going to press ahead with this, not only with the Indian Evidence Act, but with the Indian Succession Act and others. I do not suppose many hon. Members are aware of the fact that a Bill to replace the Indian Succession Act was printed with a view to presentation to this Council 22 years ago and was commented on at very

[Mr. Slade] great length by the Law Society at the request of Government—in a memorandum of about 50 pages, I think, 21 years ago. It is nice to see the thing moving at last.

The only other point I would make on these Acts and this proposed legislation generally, Sir—I am sure it is not necessary for me to make it, I am sure the Minister has it in mind—is the importance of consulting with the Law Society at all stages, particularly the early stages, of any such proposed legislation. I do not think many people realize how much work the Law Society puts into this kind of thing, and how valuable that work is.

Mr. Speaker, there are one or two matters with which the speech from the Chair did not deal at all—I am not criticizing the speech for that because obviously His Excellency cannot deal with everything, but I would like to mention them as briefly as I can. There is one that may seem small, but it is becoming of increasing importance; and that is the question of how to deal with, what one might call, "the down and outs"—"the down and outs" of all races. It is an increasing problem as we develop the immigrant races, and as the African tribes tend, I fear, with the breakdown of tribal customs, and to be less universally responsible for their old, and their poor and their sick. We are by no means a social welfare state here, Sir, and I hope it will be a long time before we become so. It is not the right kind of setup for a young country. But these responsibilities we cannot escape; the old who cannot fend for themselves and the chronically sick who cannot fend for themselves; the unemployable, or alcoholic people, who not only cannot fend for themselves, but also are a nuisance to society. We have to do something about them. Now, Sir, it may appear—I know it does appear to the public—that nothing is being done about such cases. I know, through conversations with the hon. Minister for Health, that quite a lot is being done already and that he has a great deal more in mind; but I believe it would encourage us and the public if, in speaking to this debate, he could tell us a little of what he is doing, and what he has in mind.

I would only make one more general observation on this point. It is that in such cases, the best work is done, I am quite certain, with the maximum voluntary effort attached to it. It cannot all be done by Government; and, where you get voluntary effort and voluntary contribution, it is in subscribing of capital for the necessary institutions and in the subscription, as it were, of self-sacrificing personnel, volunteers. Now, those are two ways in which the public can help and I believe they will help if asked to, if given a clear line; but Government has to help in the recurrent financing and support of institutions that may be necessary for such people. And I hope the hon. Minister can assure us that lively financial support, within reason, will be forthcoming if we, from the public side, will provide the bulk of the capital and the volunteers.

ADJOURNMENT

THE SPEAKER: Council will stand adjourned until 2.30 p.m. on Tuesday, 25th October, 1955.

Council rose at thirty minutes past Twelve o'clock.

Tuesday, 25th October, 1955

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

(Mr. Speaker in the Chair)

PRAYERS

ORAL ANSWERS TO QUESTIONS QUESTION NO. 11

GROUP CAPT. BRIGGS asked the Minister for Legal Affairs to state when it is intended to introduce legislation promised by Government spokesmen to provide for the future detention after the Emergency of irreconcilable *Mau Mau* terrorists who surrendered under the surrender terms announced on 18th January, 1955?

THE MINISTER FOR LEGAL AFFAIRS: Detailed plans are being evolved to meet the post-Emergency security problem of the hard core of *Mau Mau* whom it will not be possible, so long as they remain unreconciled, to release for return to tribal reserves or to employment in the urban or settled areas. This class of person is not, however, confined to ex-terrorists who surrendered under the terms of 18th January, 1955, but will include all other *Mau Mau* elements who continue to present a major threat to security.

The problem is of considerable magnitude and of vital importance to the future security of the Colony. It presents many difficulties, both of principle and detail and both of a practical and administrative nature and in relation to the preparation of legislation. However, all facets of the problem are, and have been for some time, under active and detailed consideration. It is not possible to specify any date for the introduction of legislation on this subject, but the necessary planning of the whole scheme, and the preparation of implementing legislation, are being accorded special priority.

MR. SLADE: Mr. Speaker, Sir, arising out of that reply, can we have an assurance that none of the present Emergency legislation will be withdrawn until more permanent legislation has been introduced?

THE MINISTER FOR LEGAL AFFAIRS: None of the Emergency legislation which deals with the securing of society from these people will be so withdrawn; as the hon. Member knows, it may be possible that certain aspects of this Emergency legislation may be reviewed and that certain parts of the Emergency legislation may be lifted—possibly in specified areas as the situation improves—but I can give the assurance that nothing will be done to remove the Emergency legislation which gives us power to control these people until we are in a position to replace those powers with the necessary powers under substantive legislation.

MR. MATHU: Arising out of that reply, Sir, can the Minister assure us that as far as other aspects of the Emergency regulations are concerned, such as those commandeering property, can be withdrawn before the Emergency comes to an end?

THE MINISTER FOR LEGAL AFFAIRS: The extent to which Emergency legislation will have to be reproduced or replaced by permanent legislation, and the extent to which Emergency legislation and Emergency restriction can be lifted, are both matters under constant review.

QUESTION NO. 17

GROUP CAPT. BRIGGS asked the Chief Secretary to state whether extensive illegal immigration into Kenya is taking place and, if so, what steps are being taken to prevent it, and what arrangements will be made to prosecute and deport the offenders?

THE CHIEF SECRETARY: There is no evidence of extensive illegal immigration into this country. The Investigations Branch of the Immigration Department prosecute whenever cases of illegal immigration come to light and deportation orders generally follow upon conviction.

SIR CHARLES MARKHAM: Mr. Speaker, could I ask the Chief Secretary how he knows whether there is no extensive illegal immigration, as there is no check at all of the Kenya frontiers?

THE CHIEF SECRETARY: Because, Sir, there is an Investigation Branch of the Immigration Department and more than 1,000 cases are investigated by them

[The Chief Secretary] every year of which approximately one-third result in convictions.

SIR CHARLES MARKHAM: Mr. Speaker, Sir, could I ask whether the hon. the Chief Secretary knows whether the Namanga route, for example, is ever checked, because there is no check at all to my knowledge?

THE CHIEF SECRETARY: There is a very light check on these interterritorial routes. The alternative to a system of a light check, coupled with the activities of the Investigation Branch, is a closed frontier and a proper system of passports and visas. Now this would bear very heavily on the ordinary law-abiding citizen; the kind of farmer who wants to come from Arusha to Nairobi to get a spare for his tractor, or the Asian businessman who wants to place his orders for blue-mottled soap would be grossly inconvenienced; and it would cost the Colony an enormous sum of money to maintain these posts and, as far as the really evil-intentioned illegal immigrant is concerned, they would be of no avail. There is a 2,000-mile land frontier of the Colony and we cannot put a barbed-wire fence around the whole of it.

MR. MATHU: Arising from the original reply, Sir, can the Chief Secretary say with regard to the thousands of cases that he says there are under investigation, the sources of the immigrants outside Africa?

THE CHIEF SECRETARY: I cannot give the break-down of these thousand cases, immigrant by immigrant, but I can say they result in 300 prosecutions a year and in approximately 100 deportations.

MR. AWORI: Mr. Speaker, Sir, arising out of the original reply, can the hon. Minister state why the Government has not refused a statement which appeared in certain sections of the local Press with regard to illegal immigration into this country?

THE CHIEF SECRETARY: I hardly thought it necessary to refute the statement in which it was said that illegal immigrants arrived and travelled by show up the Tana. I suppose they landed at the Blue Posts Hotel.

GROUP CAPT. BRIGGS: Arising out of the original reply, would the hon. Chief Secretary say what progress is being made as to the issue of identity cards, and in what way that could be used to check on illegal immigrants?

THE CHIEF SECRETARY: I would have to have notice with regard to the question of identity cards, Sir.

MR. MATHU: Mr. Speaker, Sir, arising out of the original reply, would the hon. Minister please indicate how many illegal immigrants have come from outside East Africa, Asia, Europe, let alone the canoe fellows along the Tana to the Blue Posts Hotel?

THE CHIEF SECRETARY: I cannot say precisely how many illegal immigrants have come in. A large number have not yet been caught, but they will be caught. I can tell him how many were deported. In 1954, there were deported 14 Europeans, 54 Asians and 43 others, chiefly Somalis, the total being 111.

QUESTION NO. 19

MR. CROSSKILL (Mau) asked the Minister for Finance and Development to state whether he is now able to make any concessions to the farming community in respect of the duty of 20 cents a gallon on kerosene oil used for farm work on the lines of the refund which was made when the duty was previously imposed.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Yes, Sir, I have decided that this refund can again be made and hope that this will not only be of assistance to the farming community, but will also help the consumer by assisting to keep down the cost of production.

As regards the administration of the refunds, the same procedure as obtained formerly will be adopted except that it will now be administered by the Ministry of Agriculture and not by the Accountant General whose post no longer exists. The necessary provision will be made by Supplementary Estimate in due course and, in the meantime, any refunds claimed will be met from the Civil Contingencies Fund.

MR. CROSSKILL: Mr. Speaker, arising out of that reply, will the Minister accept my thanks on behalf of the farming community? Would he also agree that

[Mr. Crosskill] this is a happy precedent which I hope will be the forerunner of many other concessions to the overburdened industry?

QUESTION NO. 5

MR. MATHU asked the Minister for African Affairs to state the extent to which the practice whereby the executive and the judicial functions are still combined in the same officer and if the answer reveals that the practice is still the rule, what action the Minister proposes to take to remedy the situation and particularly in view of the adverse comment made on this policy by the magistrate, Mr. A. C. Harrison, in a recent case at Nyeri as reported in the *East African Standard* of 2nd September, 1955?

THE MINISTER FOR AFRICAN AFFAIRS: The answer to the first part of the question lies in section 3 of the Courts Ordinance, Cap. 3, whereunder Provincial Commissioners, District Commissioners and District Officers hold magisterial powers of varying classes in virtue of their Administrative offices.

The system whereby Administrative Officers also exercise magisterial functions is one which has been characteristic of British Administration in all parts of the Colonial Empire for many years. It has its advantages and it has its disadvantages. The obvious and main theoretical disadvantage, namely the combination in one officer of Administrative or executive functions with magisterial functions, has not prevented the system from proving, over the years, remarkably successful or from resulting in the efficient and humane administration of justice in subordinate courts by magistrates who know and understand the peoples over whom they exercise jurisdiction. The time has not yet come when we can dispense with the system in Kenya. We still have need of magistrates who possess the knowledge and understanding of the peoples of the country, particularly the more backward peoples, which is born of years of experience, while even if it were desirable a sudden and complete change from a partially to a wholly professional magistracy is impracticable. We have a cadre of professional magistrates who are available for cases of particular importance or complexity.

The answer to the second part of the question lies in the amendments to the Courts Ordinance published in Government Notice No. 1456 of 18th October, which it is intended to bring into force on 1st November. These amendments will exclude from *ex officio* magisterial status any Administrative Officer who is not a member of the permanent Administrative service, appointment to which follows special selection and preliminary training.

MR. MATHU: Mr. Speaker, Sir, would the hon. Minister accept my thanks on the latter part of the question that I do think that it is moving in the right direction. Secondly, could he, and his Government, say they consider that Kenya—out of the whole Colonial Empire—may give a lead in separating judicial and executive functions so that the Colonial Empire may think of Kenya as leading the world?

THE SPEAKER: Hon. Members must please not make speeches. You can only ask questions.

MOTION

THANKS FOR EXPOSITION OF POLICY BY HIS EXCELLENCY THE GOVERNOR

Debate resumed.

MR. SLADE: Mr. Speaker, Sir, near the beginning of this speech, I expressed regret that His Excellency's speech did not contain clearer statements of policy on certain matters as opposed to a mere list of events past or contemplated. I have, Sir, already discussed some matters in respect of which a statement of policy would be appreciated. There is a further example on which many Europeans, if not many of other races, feel very strongly; and that is the question of Education Authorities.

We have, for some time past, urged Government to accept the principle of a European Education Authority, with Education Authorities for other races, if wanted by them, following in due course—Sir, I will not repeat the arguments in support of that demand to-day. They have already been stated often enough in this Council. But, Sir, my complaint to-day is that Government has persistently refused to face this issue of policy; and, again, His Excellency's speech is regrettably, though perhaps discreetly, silent upon this issue.

I know, Mr. Speaker, that I shall be told, as we have been told before by the

[Mr. Slade] hon. Minister for Finance in the guise of a 'fairly dustman' that it all depends on the findings of a committee, findings of figures—figures which cannot possibly have any bearing on an issue of principle or an issue of policy, though indeed they may have a bearing on the application of a principle or policy—the findings of a committee which reported several months ago and which seems to have been so discouraged by the rejection of its first report, that it is unable to report again. That may suit the fairly dustman; but I assure hon. Members that his magic is not working in this matter, that he is not putting us to sleep. Sir, with our eyes wide open, we shall continue to insist on an early statement of policy in this matter, unclouded by arithmetical confounda.

Mr. Speaker, the next matter on which a statement of policy would be appreciated, but again on which His Excellency's speech was silent, is the matter of recruitment of the people of Kenya into the public service of Kenya. Sir, that was one of the foremost objectives declared by the Lidbury Report; and it was accepted as a foremost objective by Government in a White Paper on that report. Reference to such an important matter of policy in the first speech from the Chair after the report was published and debated, might have been expected, but there has been none. One might have expected reiteration of that policy with some indication of the measures to be taken to implement the policy, but there was none. Therefore, Mr. Speaker, I should like hon. Members opposite, in the course of this debate, to confirm that that policy of recruiting the people of Kenya will be applied, as far as possible, to all branches of the public service, and particularly, to give them examples on which to bite, in the King's African Rifles, in the Judicial Bench and in the Administrative Service.

Sir, as regards the King's African Rifles, the value of previous contact with Africans, the knowledge of the conditions and topography of East Africa, are obviously of immense value to officers and other ranks in that regiment. We have seen that proved of course in two wars and also in the present Emergency.

I understand, Mr. Speaker, that there is in fact a scheme now on foot to enable young men of this Colony to be commissioned in England and then serve with the King's African Rifles; and I am hoping, if that is so, the hon. Minister for Internal Security and Defence can tell us a little about it.

Then, Sir, as regards the Judicial Bench, I do not think any lawyer who has had experience on the Bench or at the Bar can deny the value of local experience at the Bar, as equipping a lawyer for public service on the Bench, particularly on the civil side. The principle of looking to local advocates as recruits for the Bench, has already been accepted in this Colony and applied in one or two instances, but only very few, except, Sir, in the use of Commissioners of Assize, which hon. Members know is a temporary appointment such as we have seen in the early stages of this Emergency. I would, before passing on, Sir, like to pay tribute to those of my profession who served in that capacity during this Emergency. It involved very great inconvenience and, on some occasions no doubt, quite a considerable loss of income; but they gave of their best, and everyone will acknowledge that they gave most excellent service.

Now, Sir, I appreciate the feelings of members of the legal profession in the Civil Service, when they see brought in to higher positions, men from outside who have not worked their way up through the service. I know that one of the attractions of joining any branch of the Civil Service must be the prospect of vacancies at the top if you can earn them. That cannot be ignored. But, on the other hand, Sir, one has to remember that what we are looking for in the end is the best man for the job—so we have to fit those two considerations together; and I think we could do so, Mr. Speaker, by introducing quite a number more local barristers, or by encouraging quite a number more local barristers, to come on to the Judicial Bench without unduly disturbing the prospects of men already in the legal service.

Then, Sir, as regards opportunities in the Administration for men of this country, that, perhaps, is the most important of all. It is the one on which I feel particular anxiety. The hon. Minister for African Affairs mentioned in

(Mr. Slade) his speech-how vital is the quality of men recruited for that service; and, of course, we must all agree with him. They bear the most tremendous responsibility; and up to the very present, and throughout the past, their standard has been very high. We have seen, Sir, as we were bound to see in this Emergency, what particular value there is in local men who have known Africa and Africans throughout their childhood. It has been proved beyond question. And I say, Mr. Speaker, that there is some of your best quality, some of your best material, and you must make the most of it. Mr. Speaker, I appreciate the efforts that have been made by our Administration here to place some of those men permanently in the Administrative service. I know that twenty-eight temporary district officers who by two years' service or more have shown their value, have been recommended by Administrative officers here, district commissioners, provincial commissioners, for appointment permanently to the service. What worries me, Sir, is first of all the extraordinary delay at the Colonial Office in considering those recommendations. Secondly, the outcome. Because, out of those twenty-eight, of whom I should mention, Sir, sixteen were local men, and some others were men who had had a measure of experience in this country as I described, only nine were accepted, of which seven were local men; nine out of twenty-eight or seven out of sixteen—the smaller figures being the local. Five were deferred, two of them being local men; and thirteen were rejected, six of them being local men. So that even if the men who were deferred had the patience to stay on, and were ultimately accepted, they are only half of those who were recommended by our local administration after proving their value, only half, or, if you take the local figures, nine out of sixteen.

Now, Mr. Speaker, I dare say the hon. Chief Secretary will answer: "Compare that with the percentage of applicants in England who are accepted in this service." It may be that that percentage is much less than fifty per cent; but if that can be said, Mr. Speaker, my answer is, of course it must be so, because you are having applicants in England who have never even seen Africa, men who have

never proved themselves in any way; you are bound to go through them with a very fine comb. But this is a question of men who belong to this country and have shown their value, and have been recommended on the strength of their performance—a very different picture.

It may be said, Sir, that some of these men have not the necessary academic qualifications. That may be so, Sir. I can understand there may be cases where a man has been splendid in the field, but he is so lacking in education that he has no hope of advancement; but I would remind hon. Members that in every sphere of life, particularly in this country, any young country, perhaps particularly above all in the Administrative service, it is character that matters, far more than anything else. Now even if a man has only the minimum of education, provided he has that minimum, he can make good up to a very considerable scale. He may well be content not to go beyond that scale; and yet be a very valuable officer. I understand, Sir, that in any event when a man is found suitable for the service, he is now given a course of training at Oxford to equip him still further. So I would ask the Government—and I believe really I have to ask the Colonial Office more than I have to ask this Government—not to get obsessed with educational qualifications as against proved character in the choice of officers for this service. We must use these men. I would submit, Sir, that the use of them is one of our best guarantees for good race relations in this country.

Mr. Speaker, the last point with which I wish to deal in this debate is the question of fiscal policy. It is surprising that, as the hon. and gracious Member for Nyanza has pointed out, that there is so little in the way of statement of policy on issues of economy in this speech from the Chair. We all know our serious economic straits at the present time. We all know—we are told often enough by the hon. Minister for Finance, and rightly told—that all our planning must depend on what money is available if we want to give effect to our principles and policies. Yet there is no statement of fiscal policy whatsoever in this speech. It may be said, "Well, the Budget is the time for that," and I would answer, Mr. Speaker, "But

(Mr. Slade) the Budget is too late". By the time we have the Budget the thing is done, the thing is presented before you, you have to accept it. It is vital that before Government gets to the stage of framing a Budget, we in this Council have an opportunity of discussing fiscal policy; and there could be no better time than in the debate on His Excellency's speech. Discussion of fiscal policy now will give Government time to think before the Budget is framed. Sir, discussion of fiscal policy is particularly necessary at this moment, I believe, in the matter of development and the allocation of capital, because we have to look to more development of this country as rapidly as we can make it, but we have to face, at the same time, the increasing difficulty of borrowing. I know, Mr. Speaker, that there has been a most remarkable and splendid response in this Colony to the recent Government loan. But the resources of this Colony, Sir, are very limited when it comes to Government borrowing; and the position overseas, in the United Kingdom and elsewhere, whither we shall have to look for further loans, is by no means so bright. We have a picture of Government loans, not only loans floated in this Colony, but in other parts of the world, getting a very, very cold response at the present time. We know also that, there is not complete confidence in the financial world of the United Kingdom in financing this Colony at the present time. We have to face, then, that money will be hard to borrow. We have to face also, Sir, we must never forget that every time we borrow we increase the annual burden on us, in servicing what we have borrowed.

With all those things in mind, Sir, I would urge Government once again that whatever development we are going to do must be first and foremost development that will produce a return. (Hear, hear.) We have said it so often, but what we say is ignored so often. This time we have the support, I think, of the Royal Commission behind us and we say it again; and I do hope this time we shall hear from the other side of this Council a clear statement of policy to the effect that that course will be adopted.

The other side of the picture, Sir, is one on which rightly enough—

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, Sir, rising on a point of order, Sir, I did not wish to interrupt the hon. Member in the development of his arguments so far. I would ask you, Sir, to rule on Standing Order No. 69, "No Member shall anticipate the discussion of 'any subject which appears on the Order Paper'".

Now, Sir, I have placed on the Order Paper a Motion on the Development Plan, a Report of Progress and Modifications, Planning, Paper No. 97 of 1955. I suggest, Sir, in respect for your ruling that this is not the time for anticipating that debate which will give ample opportunity for development.

THE SPEAKER: I must agree it is not strictly proper to anticipate. Nevertheless, I think it is customary to allow great latitude in this particular debate on the Governor's speech. Unless the hon. Member pushes his point too far in anticipating a future Motion, I do not think he has so far been out of order.

MR. SLADE: Thank you, Sir, I have said all that I wanted to say about development. I did just want to touch, very briefly, on the other side of the picture, one might call it, that is the question of inflow of capital. Sir, it is a great mistake, I know, to think only in negative terms of what we can borrow, and where we can cut our expenditure. We must look to an inflow of capital for any policy of growth in this country. I think, Mr. Speaker, it must be generally recognized that inflow of capital is going to depend on three main things. First of all, the political stability of this country. Secondly, a healthy financial policy. Thirdly, reasonable taxation.

By healthy financial policy, I mean, a healthy policy of expenditure. Thirdly as I say, reasonable taxation.

Now with regards to political stability, one might say quite a lot; but there is no time to say it now.

As regards policy of expenditure, I have already said what I have to say.

With regards taxation, Sir, once, again we need a very clear statement of policy, for the information of those very people who may be holding back now from investing money in this country. I do submit, Mr. Speaker, again, as hon. Members on this side have stated on

[Mr. Slade]

many previous occasions, that that policy must be a clear cut limit to direct taxation, for all the reasons that have been stated in this Council on previous occasions. A declared policy of keeping direct taxation down to the minimum, and looking for the rest to indirect taxation.

Subject to those rather voluminous comments, Mr. Speaker, I beg to support the Motion.

THE MINISTER FOR FINANCE AND DEVELOPMENT: I beg to rise again on a point of order, Sir, for I think it would be wise, Sir, to give your guidance to the question on this matter. Rule 69, Sir, says:—

“No Member shall anticipate the discussion of any subject which appears on the Order Paper?”

Provided that in determining whether the discussion is out of order on the ground of anticipation regard shall be had by Mr. Speaker or the Chairman to the probability of the matter anticipated being brought before the Council within a reasonable time.”

I submit, Sir, that there is no question about the discussion of the financial policy being held as within the grounds of this particular debate, but I do suggest, with all due respect, Sir, that if we are now to range over the complete development plan, we shall merely be reiterating what we are down to debate next week.

THE SPEAKER: I have looked at the Section referred to; my ruling is, first of all, the subject matter is not on the Order Paper to-day—and, therefore, it is not covered by being on the Order Paper. Secondly, the Speaker is allowed, according to this Rule, special latitude in determining whether discussions are out of order or not on account of anticipation. I have already given the ruling which I repeat, that in this particular debate, where all are referring to a very, very wide range of subjects, I think, it would not be in the interests of the public to limit the range of discussion of Members on this particular occasion.

THE MINISTER FOR FINANCE AND DEVELOPMENT: I abide by your ruling, Sir, and would then respectfully say that we are now in the position that provided

that any matter does not appear on the Order Paper of the Day it can be included in a discussion. Is that right, Sir?

THE SPEAKER: That is not the ruling I made—I will give my ruling again. On this particular occasion, in this particular debate, the hon. Minister knows just as well as I do that it is customary both in this legislature and in others to allow a very wide range of subjects to be discussed in debating annually the Governor's speech and I propose to hold to it.

MR. ARAP MOI (African Representative): (Applause.)—Mr. Speaker, Sir, I would like to take this opportunity to welcome His Excellency's speech. First of all I should like to mention one point on the Emergency.

Hon. Members on this side tried to attack the Government in the way it is handling the Emergency. I do feel we should try to refrain from attacking it at this stage. Change of policy would deteriorate matters and make the Emergency go on for a long time.

No, Sir, I should like to turn to the Rift Valley, particularly to the African land units. Regarding the Kalenjin, including the Masai, everybody knows that pastoral tribes regard cattle as something precious and they rank second to life. I appreciate very much His Excellency's speech which I must quote: “In the Rift Valley Province over £50,000 has been provided for the development in the cattle country of the Samburi and £30,000 for the Nandi”. This is very much appreciated and I would like to ask Government to encourage these pastoral tribes to improve their wealth. The Kalenjin and the Masai, educationally, economically and socially are very backward and a balance of progress should be maintained and this urgent thing must be carried out by the Government immediately. The Carter Commission over 20 years ago stressed the fact that Government should take immediate action to improve African land units and yet it seems nothing has been done.

Educationally, Rift is backward and no mention was made by His Excellency with regard to a teacher training centre of a higher grade for the African land units. At the moment we are having one in Kipsigis which is in

[Mr. Arap Moi]

the Nyanza Province and I would like to ask the hon. Minister for Education to state what development plans he had in mind with regard to teacher training institutions from 1957/60 and also development of primary and intermediate schools. Where will the teachers come from for these developments? It should not be forgotten that to drift from education and improve cattle alone will not help. It is better to improve both sides, cattle as well as education, because, I feel, there is a great need for education in these areas.

In Suk, or in the arid areas of the Northern Province, a good deal of improvement could be made by planting dates which I am sure could grow there and cover these areas.

None of the Agricultural Officers has initiated any scheme. Recently I heard from a reliable source that dates can grow very well in East and West Suk, and the Agricultural Department seems to have overlooked this.

The hon. Member for Mount Kenya said that an Administrative Officer should remain in one place for a long time so that he could learn the language. I support this, if the people wish to have him, but if the people do not wish it then I do not think that it is wise to have him. Secondly, Government is trying to entrust big responsibilities to young men who are only in their early twenties and they do feel themselves like kings of no small city. If Government continues to employ such people and entrust big responsibilities to them, it will create distrust and dissatisfaction and eventually people would lose faith in Government. The Member for Mount Kenya stated that farmers have suffered a great deal. I quite agree with him, but he disregarded the help given by the farm guards, who most of them come from Kalenjin—Nandi-speaking people, who have helped a great deal in guarding their farms. I also ask Government what compensation for their loyalty should be given to them. I suggest that education for their children should be initiated by Government and not for the people to ask; from time to time, and no action is taken.

Sir, I feel that in His Excellency's speech, though not one which could

cover a wider field, was a reasonable one. Though one Member, the Member for Mount Kenya, stated that it was monarchical in character, I do not share his views, because the whole situation turns on the Emergency, and His Excellency could not drift out of it.

Mr. Speaker, I beg to support.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE: Mr. Speaker, Sir, in supporting this Motion, I do not propose to do much more than answer certain points which have been made by hon. Members and which affect my Ministry.

The hon. Member for Mount Kenya recommended that police tracker teams should become a *corps d'élite* with special pay and conditions of service. Before he reached that point in his speech he had claimed that he had been the originator of advice to Government about villagization—and certain other matters. He is not the originator of this suggestion. It has already been discussed in the War Council and has previously been discussed between the Commissioner of Police and myself. However, I would not like the hon. Member to think that I dismiss it, because I do not. There are, however, branches of the Security Forces which have equally strong claims. There are the special forces about whose successful and dangerous exploits we sometimes hear. There are the Field Intelligence Officers and we know to our sorrow from a recent case how particularly dangerous their work can be. There is, in my opinion, a *corps d'élite* indeed in the King's African Rifles. The Deputy Director of Operations has recently recommended that the special terms and conditions which the hon. Member suggests for police tracker teams should, in fact, be given to screening officers, as he attaches such particular importance to their work and particular importance to the need to have the most capable officers doing it.

Now, to choose only police tracker teams, and I admit, or I agree rather, that they are a most excellent body, to single them out for special pay and special conditions of service is, I think, invidious. On the other hand the means do exist adequately to reward them and if at any time the Commissioner of Police considers some special conditions

[The Minister for Internal Security and Defence] are necessary and would, in fact, be to the advantage of those particular units, special terms can be offered.

I am grateful to the hon. Member for Ukamba for his gracious remarks about the Kenya Police, remarks which they very thoroughly deserve and have earned.

I was, however, a little shy about his reference to the need to retain for, I think, the lifetime of its putative grandchildren a para-military police force. The implication of para-military, is to me, perhaps wrongly, one of the East German Police Force which is regularly so described and which, I think, includes a tank corps. Now the resemblance of the Kenya Police is rather to the Royal Irish Constabulary than to any English police force. It has always been an armed constabulary and there is no expectation that its role will change very greatly in the immediate future. The intention is that the general service units shall become part of the regular strength and in the Northern Province in particular, of course, the police have long been something of a military force. Whilst I hope we will eventually reach the stage of police constables armed only with batons in the towns and peaceful rural areas, there need not be any fear that adequate fire power and combatant training will not be a permanent feature of the Kenya Police at least for the foreseeable future.

The hon. African Representative Member, Mr. Awori, asked what releases there had been of Nyanza detainees. The present total of the Nyanza detainees is 101. There have been, of course, consistent releases of Nyanza detainees and of detainees of other tribes ever since Operation "Anvil", but the preparation of detailed tribal statistics of releases would be quite a disproportionate task. I hope, however, that the hon. Member will be content when I tell him that the figure of releases of Nyanza detainees during the past six weeks was 30.

The same hon. Member asked what I had done to implement an undertaking I gave a few months ago to see about the promotion of Prisons *askaris* above the rank of chief warden. Since I gave that promise to look into the matter, there have, in fact, been nine promotions

to Assistant-Prisons Officer and one promotion to Prisons Officer, this rank equivalents roughly to that of Inspector of Police.

The hon. African Representative Member, Mr. Gikonyo, stressed the need for detainees to be moved rapidly from reception centres to works camps where screening can more adequately be carried on. The procedure which he suggested is, in fact, the exact policy of the Government. As space becomes available in works camps, detainees are moved from reception centres to them. It is, as Mr. Gikonyo said, in the works camps in their own local areas, inspected by their own local elders and known to the local people, that screening can be most successful. This procedure of movement from reception centres to works camps has, I think, I may claim, been increasingly expeditious and successful. We have already closed Langata reception centre and Mackinnon Road and Manyani are run down to such a degree that I hope we may be able to close Mackinnon Road before the end of this year, leaving only Manyani as a reception centre. The factor is not the need to retain at this moment, Mackinnon Road to accommodate detainees, but questions of water supply at Manyani.

The hon. Member for Aberdare asked about permanent commissions in the King's African Rifles for local people. I can assure him that matters are well advanced in this regard, and in so far as my own Ministry is concerned in regard to the revival of the King's African Rifles Reserve of Officers.

There are, however, some considerations of which I think the hon. Member is, to an extent, aware, which make any further statement premature at present.

The same hon. Member and the hon. and gracious Member for Nyanza asked for an assurance about the adequate supervision of labour which might be employed in the forests and in forest fringe schemes. I can assure them that security is a *sine qua non* of all such schemes, and that the District Emergency Committees, the Provincial Emergency Committees and the War Council, when considering them, have security wholly in the forefront of their minds.

Mr. Speaker, I beg to support.

Mr. TYSON (Nominated Member): Mr. Speaker, Sir, the Mover of this Motion drew attention to the stress which had been placed by His Excellency the Governor on the question of rehabilitation, and I take it that by rehabilitation he means the reinstatement—the bringing back on to the right road—of the Kikuyu, Meru and Embu tribes. These tribes consist of approximately 30 per cent of the African population of the Colony, and it does seem to me that we must keep in mind the needs—the very proper needs—of the remaining 70 per cent of the African community. After all, they do not need rehabilitation which, to my mind, is only a part—and I am not at all sure that it is the most important part—of future development of the Colony. I do not overlook the reference which was made in His Excellency's speech to what is being done for the benefit of the other sections of the African community in various parts of the Colony, but are we doing enough?

The population figures, I think, show that there is much that can—and which ought to be—done in connexion with the straightforward, honest development of the resources of the Colony. Large numbers of boys and girls, not only of these, but other, tribes are leaving school every year, and the same thing applies to the Asian and Arab communities, and for those people employment has got to be found. If discontent, disappointment, a feeling of frustration is going to be allowed to develop amongst that other 70 per cent of the African community, it seems to me that we may be faced in a few years' time with a very serious problem—perhaps even more serious than the problem of dealing with the Mau Mau.

It is for these reasons that I am disappointed at the delay which has taken place in the production of the report of the committee which was appointed to examine the need for economic assistance for primary and secondary industries. This committee has taken some three years to produce its report which, I suggest, indicates that they have no realization of the urgency of this problem. With the increased use of mechanical appliances on the farms of the Colony, the opportunities for employment are not going to be what they were and, whilst I appreciate that we

must press on with an expansion of our agricultural production in order to ensure that the people of the Colony can be fed, it is along the lines of industrial expansion where we shall find more opportunities for the absorption of the young African, Asian and Arab boys and girls.

Members will note that the report of this committee referred to various points which affect the High Commission Services—matters of customs, income tax, statistical matters—and I would point out that industrialists will only be attracted to this country on the scale we need them if East Africa can be treated as one big internal market, and I would urge that, if we are to avoid interminable delays—which have taken place in connexion with this committee's report, early consideration should be given to the need for transferring these questions of the licensing of industry to the High Commission Scheduled Services. We must, if we are to attract these industrialists, remove every possible obstruction to their plans for the development of this big market.

Now, Sir, there is another point to keep in mind. Events of the last few years have shown the dangers of concentrating too much industry in one or two centres. We are making the same mistake here as has been made in Great Britain over a period of years, and which is now costing hundreds of thousands of pounds to remedy. It has been remedied in Great Britain by the establishment of new towns, and the transferring of factories and large numbers of workpeople to these other areas. It would, I submit, make for a very much more healthy state of affairs in Kenya if we scattered our industry more widely—not only over Kenya, but perhaps over East Africa, and it may be that the establishment of these new villages will mean the foundation of the establishment of what we know in Great Britain as "new towns". The establishment of some of these villages on the edges of the land units may be a very great factor in the healthy development of industry in Eastern Africa.

Reference was made in His Excellency's speech to the Royal Commission Report. It is—as he pointed out—a very complex document, and requires very careful study, but one must bear in mind

[Mr. Tyson] that the Commission took about two years before they produced their report and, in the meantime, quite a good deal of development had taken place along the lines which had been recommended by the Royal Commission. We are promised a White Paper on this subject, and I would urge that there should be no desperate hurry in the production of that White Paper. The late president of the Nairobi Chamber of Commerce, to whom I would like to pay tribute, before he died had organized a team—a number of teams—to consider the report of the Royal Commission in its various sections. Those committees have been at work for some weeks. Some of the committees have already produced their reports, and I would suggest to Government that, before the White Paper is produced, consideration should be given to the recommendations of these committees of the Nairobi Chamber of Commerce, because I believe they will find in those reports information and advice which will be of considerable help to them in the preparation of their own White Paper.

Reference was made by His Excellency to the question of broadcasting, and we have been told that we shall be given an opportunity to consider this question in detail. I should therefore again like to draw attention to the remarks of the Commission itself, where they pointed out that a large number of those who appeared before the Commission—particularly Europeans and Asians—expressed the view that there should be an East African broadcasting organization to serve the territories of Kenya, Tanganyika and Uganda, rather than separate organizations for each of the three territories. Since the Commission's terms of reference covered broadcasting in Kenya only, they did not feel able to give an opinion on the matter. In view of the remarks made by His Excellency, I would suggest, Sir, that now that the matter has been reopened, further consideration should be given to the question of transferring this service to the High Commission Schedule.

On the question of technical training, Sir, His Excellency told us that at the lower, but very important, level of technical training, it has not proved possible to open this year the new Trade School

for the Coast Province. I would suggest, Sir, that further consideration should be given to this lower classed training. I would like the Education Department to consider a reallocation of expenditure, even at the expense of the higher classes. Expenditure on apprenticeship schemes—for example in conjunction with the various trade sections here—is a line along which I believe, particularly in the motor trade, we could begin to co-operate, but I would like to read a section of the report of the commercial community which they have just produced, in which they point out:—

“We realize that teachers must be trained, but we feel that the most pressing need of the country at the moment is the rapid expansion of practical training facilities for African artisans, together with a corresponding expansion in the teaching of elementary English, so that full advantage can be taken of the practical training”.

It is along the lines of providing outlets for these younger members of the African community to which I think we must give much more serious attention.

I welcome the announcement regarding assistance to Europeans and Asians regarding home ownership, but it is, I think, essential that any of these schemes sponsored jointly by the building societies and the Central Government—and local authorities—should be applicable not only to existing houses, but also to newly-built houses. My only regret is that, in spite of what we are told of the willingness of the Nairobi City Council to co-operate in this scheme, they refuse point blank to consider the sale of the houses on what is known as the Woodley Estate.

The hon. Member for Aberdare referred to the question of the application of Indian legislation to this territory. There is one particular Ordinance which I think deserves early consideration, and that is the Ordinance dealing with the Compulsory Acquisition of Land, and I feel this is a matter which should be given early consideration in connexion with this application of Indian Ordinances, especially as in this case a Bill was actually introduced—I think some eight years ago—into this Council, but

[Mr. Tyson] was subsequently dropped. It is astonishing that, although the Indian Land Acquisition Act is applied to this Colony, it is impossible to obtain a copy of the Ordinance, either here or from England, and I think Members will appreciate how embarrassing it is to have to resort to all sorts of methods of following up, in order to find out the exact terms of the Ordinance.

There is one last point, Sir, that I would like to mention, and that is the reference made by His Excellency to the question of the Probation Services. Very valuable work is being done by probation officers, particularly in Nairobi, but it is a great pity that this work does not extend—as it should—to the African community. Valuable work has been done—and is being done—by the probation officers in dealing with European and Asian cases, but I would like to draw the attention of the Minister for Community Development to the fact that the officer gazetted as Chief Inspector of Children is solely employed on European and Asian cases, and is not prepared to extend the work to include African cases which come before the court. There is, I think, a certain amount of difficulty as between the Minister for Community Development and the Minister for Local Government, Health and Housing, but I do hope that some effort will be made by which the Probation Service, not only in Nairobi, but in the other centres, can be expanded in such a way that it deals with what I think is probably one of the most important sides of the case—to cover Africans.

Sir, I beg to support.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Griffith-Jones): Mr. Speaker, Sir, before I start to deal with the points raised in debate which concern me, I should like to congratulate the hon. African Representative Member who has just made his maiden speech.

Sir, the first point made in the debate in point of time—and probably of importance—which concerns me is that made by the hon. Member for Ukamba in relation to legislation to deal with dangerous and unreconciled elements of *Mau Mau* after the Emergency. I have already been this afternoon answered a question on this subject, and I hope that the answer to that question will serve to

assure my hon. friend, and other Members of this Council, that the matter is being actively pursued by the Government, and that the delay in presenting legislation to this Council does not in any way connote a withdrawal from the assurance already given on this subject—assurances which I can—and do—fully re-affirm.

A great deal of thought and planning has already been devoted to the problem. The broad concept of our thinking at present is of agricultural settlements in areas as yet unexploited. This would, by irrigation bring these areas under cultivation and, therefore, not only contribute to the solution of this particular problem, but also bring these areas into making a permanent contribution to the national economy, because it is hoped that these settlements, when developed, will in the long term evolve into permanent and voluntary settlements. The necessary preliminary expert investigation have been carried out, and a start has already been made on pilot works schemes. Planning continues as a matter of top priority, the legislative aspects of the scheme are already under detailed examination and priority arrangements have been made for the drafting that will be necessary. As I have said, the difficulties are great, and of course, at the present stage of our planning much depends on the success of the pilot schemes, of which some concern flood plains and some desert irrigation. The expert advice, however, which we have received, and which includes advice from those who have experience of the Gezira scheme in the Sudan, gives us reason, at least, for cautious optimism. Our aim in this regard will be to reconcile and rehabilitate as many as possible, and this, has been and will be a constantly continuing process, but we are, facing, as we must face, the prospect which our experience forces on us that we shall not succeed in all cases, and that the imperative demand of security will require for the foreseeable future that measures be maintained to preserve the public safety from the evil menace of the fanatical and dangerous core and residue of *Mau Mau*.

Now, Sir, passing to comments which have been made on the proposal projected in His Excellency's speech to make a start in this Session on the replacement

[The Minister for Legal Affairs] by substantive statutes of this Legislature those Indian Acts which apply to this Colony by reference. Speaking for myself—and I think I speak probably for most members of my profession—I am opposed in principle to legislation by reference, and particularly to legislation by reference to old statutes of other countries which do not in their application to this country include the modern amendments of the science of jurisprudence. In enacting our own Ordinances, we can follow the Indian Acts as much as we like, and as much as suits our needs. At the same time, we can introduce modifications based on more recent legal theory, and also adaptations to our particular needs and circumstances. As the hon. Member for Aberdare said, it does not follow that what was appropriate to India in the conditions of a century ago is necessarily appropriate to the Kenya of to-day.

My hon. and learned friend, the Member for Central Area, complained that it would involve lawyers learning new law, I trust that he will agree with me that lawyers are always learning new law. It is the one profession above all perhaps where no one can claim to know everything. Certainly on that score we cannot shut our face to progress and improvement.

The hon. Member for Western Area asked that we should make sure that we do not infringe upon civic liberties. No attack on civic liberties is contemplated and, in any event, the legislation when it is prepared will be introduced and debated in this Council.

My hon. and learned friend, the Member for Aberdare, mentioned particularly the Indian Succession Act. It will be tackled in its turn, and I am grateful to him for recalling that there was a Bill 22 years ago. I am sure, and I hope, it will provide a very suitable basis for consideration to-day.

The hon. Nominated Member who has just spoken put in a plea for the replacement of the Compulsory Land Acquisition Act. Again, that will take its turn. I have it in mind, and some preparatory work has already been done in that regard.

In relation to the replacement of some of the Indian Acts, notably the Transfer of Property Act, it will be necessary, owing to the complexity of the subject-matter, to have a commission, or committee, to examine the subject in all its detail and implications and to consider and recommend the nature of the replacement legislation which we should introduce to our best advantage. I can assure the hon. Member for Aberdare that I intend to make full use of the practising talent of the Law Society in this project, and I have already warned him privately that his political preoccupations will not exempt him himself from my impositions.

The hon. Member for Central Area requested that, in the matter of replacing Emergency legislation, great care should be taken to ensure that we do not perpetuate anything which is not necessary or desirable. I can assure him that great care is being taken in that regard but, just as the hon. and gracious lady, the Member for Nyanza, mentioned, there are some matters in which it will not be possible to relinquish entirely—without any form of replacement—Emergency powers which we possess to-day. She raised in particular the question of the control of Kikuyu movement after the Emergency, and—at any rate for quite a long time to come—there will almost certainly have to be some measure—some form—of control of Kikuyu movement after the Emergency. It will not necessarily be of the same nature or the same stringency as that which is operated during the Emergency.

MR. MATIU: What about the entry of other tribes into Tanganyika?

THE MINISTER FOR LEGAL AFFAIRS: Some measure of control will almost certainly be necessary.

The hon. Member for Central Area also complained of the nebulous state of Hindu law, and he claimed that modern developments in India and amendments to Indian Statute law do not apply here, and suggested we might apply them by reference. I have already stated that I have my objections to legislation by reference and, so far as the general state of Hindu law as applicable to members of that faith in this country is concerned, if the community considers that the law

[The Minister for Legal Affairs] stands in need of amendment, I should be very happy to receive proposals after due thought and discussion by the representative leaders of that community. It is not a subject on which I feel competent to initiate amending legislation myself.

My hon. and learned friend, the Member for Aberdare, mentioned his anxiety at the number of terrorists who had surrendered or been captured, and who are not brought to justice. He felt that their operational value must be very limited—perhaps to some 24 hours. I think it probable that those whom he has in mind are mostly surrendered terrorists who are immune—at any rate in respect of their purely terrorist offences—what are described as purely terrorist offences—the offences of carrying arms and ammunition, consorting and the like—but if captured terrorists are not being processed through the line of investigation and reference to the Attorney General, then it is quite contrary to all instructions that have been given, and still stand. It has been made quite clear that to withhold prosecution of any such person is the authority solely of the Attorney General, and if it is being done without reference to me, then—as I say—it is quite contrary to instructions. I think it probable, as I say, that the people whom my hon. friend has in mind are likely to be for the most part surrenders who do not fall into the same category exactly, but I will attempt to ensure that instructions are being carried out in respect of captures.

MR. SCAD: I thank the hon. Minister, Mr. Speaker. He says that men who have surrendered are immune from prosecution for purely terrorist offences. I think he will agree that that only applies to people who surrendered before 10th July—before the "withdrawal" of the "No trial" surrender terms. Those surrendering now are immune from the death penalty for terrorist offences, but not from prosecution or from punishment in any other way for such offences.

THE MINISTER FOR LEGAL AFFAIRS: That is so. I am grateful to my hon. friend for the correction, but, at the same time, it is a fact that most of these people, I think, are the surrendered type of terrorist, rather than the captured type whom, so far as I know, are

all processed, after the necessary exploitation for operational value, through to the C.I.D. for prosecution.

Finally, Sir, I come to the point made by the same Member, my hon. and learned friend, the Member for Aberdare—the question of local appointments to the Judicial Bench. I would agree with him, and I think all—or certainly most—of the more senior members of my service would agree with him that local experience, particularly on the civil side, at the Bar is of great value to the Bench. He has himself, however, pointed out certain limiting factors in regard to the appointment of local practitioners direct to the Bench. He has acknowledged that there have been one or two instances, and I think it is probably correct to say that these must only be relatively few instances, because of a point which he referred to himself, and that is the effect on the Service and on those who, having started at the bottom of the ladder, have struggled up it, only to find as they approach the more rewarding posts that someone—however worthy and able—who has been enjoying—as, of course, they all do—a most lucrative practice for many years, steps in and pips him at the post! There are other limiting factors, of course, and one is that one really would look for such judicial appointments only to the leaders of the profession, and to accept such an appointment for them particularly would involve great financial sacrifice, which not all would be sufficiently altruistic to make.

If I may make to him—put before him—a slightly modified proposal—it is that more members of the local Bar should come into the Service at a slightly earlier stage—not necessarily right into the top of the Service, and from a position of leadership at the Bar, but at some intermediate stage where they would have acquired a considerable amount of experience in practice at the local Bar, which would be invaluable to them and to the Government, not only on the Bench but in certain posts, legal or magisterial or analogous posts, at a slightly lower grade. I am happy to say that I have in my chambers a number of young Kenya lawyers. One of them was relatively recently appointed to the permanent establishment who had had a

[The Minister for Legal Affairs] number of years' practice in Kenya, and there are others who are serving temporarily, but who I hope—when they have acquired the degree of practical experience which is a qualification for admission to the permanent service—will have sufficiently liked and enjoyed their experience of the Crown side of the profession, to apply for permanent appointment, and to make it their career.

Mr. Speaker, Sir, I do not think there are any other points arising in the debate which fall to me to answer, and I beg to support.

LT.-COL. GHERSIE: Mr. Speaker, Sir, in speaking to this Motion, I also would first like to congratulate the hon. African Representative Member, Mr. arap Moi, on his maiden speech.

Sir, in speaking in support of this Motion, I have a few observations to make, and whereas I have no wish to reiterate remarks made by previous speakers, there are a number of matters which have been dealt with by previous speakers which I feel require a little further emphasis.

Now, Sir, in the first place I would like to join in a tribute—in paying a tribute—to General Luthbury, and the officers and men serving under him, for the marked improvement which has taken place in the campaign against *Mau Mau* rebels during the last few months, and, Sir, when one pays a tribute of this description, it must embrace all those who are employed on the restoration of law and order. I regard this, Sir, as what one might term a combined operation, where it is not only the armed forces one must include a tribute, but the police and, of course, the Administration.

Units often forgotten are, for instance, our own Royal East African Naval Detachment, who also did their job on a certain occasion. Now, Sir, whilst on this subject, it is rather a pity, I think, Sir, that certain units of the Royal Air Force should be allowed to leave this Colony, having performed a most excellent service, with little or no official or civic send-off as that accorded to their opposite numbers in the Army. Now, Sir, although we appreciate the progress that has been made in the shooting war

against *Mau Mau*—as His Excellency the Governor pointed out in his communication, Sir, and which has been referred to by certain previous speakers—there are no grounds for relaxation of effort or complacency. In fact, Sir, there is no doubt—no shadow of doubt—that the real plague spot in this rebellion has been Nairobi, and, Sir, if one casts one's mind back to the days prior to Operation "Anvil", when practically every African in this City, regardless of his tribe, was living under a reign of terror, it went to prove more than ever, Sir, the inefficiency of that organization: and while, Sir, I have no intention of embarking on recriminations, I really want to sound a note of warning—which is no attempt to recriminate at all. It must be admitted that Government, despite constant representations, took an awful long time to realize the dangerous position which Nairobi had arrived at, and to take the necessary action. I do believe, Sir, that there are *Mau Mau* leaders in this City to-day, who are probably living under a cloak of respectability—probably holding down reasonably good jobs in commerce and Government—and may be employed in the Central Government Offices—and, Sir, it is that publicity which we must guard against, and it was rather interesting, Sir, when His Excellency made a reference to this matter. He said, Sir, "First, there is no doubt that at the moment"—at the moment, Sir—"a return of any number of all doubtful Kikuyu, Embu or Meru to Nairobi would lead to a revival of the Nairobi *Mau Mau* committees. These have shown an extraordinary capacity to form and re-form in secret and have provided the supply base, and therefore the life blood, of the *Mau Mau* movement. It is no exaggeration to say that the turning point of the struggle against *Mau Mau* was the destruction of those committees in April, 1954".

But, Sir, he adds here—"experience since then has shown that, given the slightest opportunity, *Mau Mau* supporters in Nairobi would again re-form their organization".

Sir, His Excellency when making this Communication, said: "There is no doubt that at the moment"—now, Sir, I subscribe to what was said by the hon. African Representative Member, Mr. Gikonyo, when he said we must

[LT.-Col. Gherse]

make sure that no doubtful characters are allowed to return to Nairobi and take up permanent residence. This question of committees, Sir, has a resemblance to Communism and its technique—the formation of committees and cells—and we cannot be too careful, Sir; and whilst on this subject, Sir, there were certain Emergency Regulations which were introduced, and I think applied—more particularly to Nairobi—and I understand, Sir, these Regulations made provision for sweeps by the Security Forces for the cordoning off of areas, and the subsequent detention of the individual, if necessary. Now, Sir, I believe those Regulations expired in March of this year, and were extended till some date in June, but I have reason to believe, Sir, that they have lapsed, and I would be awfully grateful if the Minister for Legal Affairs would look into this matter.

Now, Sir, a good deal has been said on the subject of trade unions, and we have been assured by the Minister concerned that he is determined that they will be developed on healthy lines. We have also been informed it is intended that there should be amendments to the Trades Union Ordinance. Well, Sir, if trades union are developed on healthy lines, I am sure we all agree that it can do nothing but good, but I do suggest, Sir, that a very heavy burden of responsibility rests on—the shoulders of the officers in the Labour Department to see that they are developed on proper lines, Sir, and, in this connexion, I would recommend to them the words of one Mr. Hood, a member of the Trades Union Congress, who visited this Colony recently; and when he was approached on this subject, he replied, Sir, that he thought that the existing trades union in Kenya should consolidate themselves along sound lines, rather than extend their activities.

THE SPEAKER: At this point it may be convenient to take the usual break, and we will suspend business for fifteen minutes.

Council suspended business at fifteen minutes past Four O'clock and resumed at thirty minutes past Four O'clock.

LT.-COL. GHERSIE: Mr. Speaker, Sir, when the Council adjourned: I

was speaking on the subject of trade unions and I was just on the point of suggesting, Sir, that, whereas legislation is one thing, the real crux of the position is to obtain trade union leaders who realize their responsibilities. Sir, what we require are people who realize that the prior function of a trade union leader is to endeavour to build up the desirable relationship between employee and employers and not people, Sir, who, well I will suggest, imagine that the prior function of the trade union leader is to embark or dabble in politics and that is not the function of a trade union leader. People's memories can be very short and if one again casts one's mind back to the time of Operation "Anvil" one will remember that there were quite a number of individuals who were picked up and arrested as a result of that operation and who had played a very prominent part both in the Kenya African Union and also in the trade union organization. In fact, if I remember correctly, Sir, this Government was criticized by certain Labour Members of Parliament in the United Kingdom. They considered by having arrested and detained these people, that Government had thereby deprived the African community of their leaders.

Now, Sir, we must not blind ourselves that when we come to the end of the shooting war that the only problem that then faces us will be the rehabilitation of detainees. We have got to be very careful that this rebellion, or this menace, does not raise its ugly head in another form and, in fact, in a more subtle manner by subversive propaganda being introduced into trade unions and by *Mau Mau* adherents infiltrating into trade unions. As I said earlier on, Sir, in this connexion the officers in the Labour Department have a tremendous responsibility and unless the senior officers in the Labour Department have the right kind of imagination and vision, we might easily find a repetition of our problems taking a different form.

Now, Sir, this debate is usually regarded as an opportunity for Members on this side of the Council to put forward suggestions, or proposals, in anticipation of the preparation of the next Budget. Now, Sir, I had expected to speak after my hon. friend, the Minister for Commerce and Industry. I was hoping, Sir,

[Lt.-Col. Gherrie]

as a result of his speech, to obtain some ammunition for this debate but, Sir, I am afraid I was jockeyed out of position.

Sir, when the hon. Member, the Secretary to the Treasury, was speaking, I think it was on Friday, he made a reference, Sir, to a balance of £9,000,000 which I think he said he was hoping that he perhaps would not have to draw on that sum. Now, Sir, if he had been referring to the £4,000,000 interest-free loan, I would perhaps understand his comment, because that is a liability and it must be repaid at some subsequent date. I would suggest, Sir, that if the hon. Member really felt that he may not have to draw on the £9,000,000 then he is really the world's optimist. I thought he might be here to challenge me on this, and I happen to have a copy of HANSARD just ready for the purpose. I would like to refer, Sir, if I may, to what the Minister for Finance said during the course of the Budget debate, and, Sir, I will talk in round figures of millions—so as not to waste too much time. "With increased taxation proposals I have made the estimated level of revenue will be £25,000,000, leaving me with an estimated deficit on the 1955/56 Budget of £13,000,000. This must be added to the deficit at 30th June, 1955, of £6,000,000, making a total estimated deficit on the Exchequer Account of £19,000,000. By bringing into account the grant of £10,000,000 from Her Majesty's Government covering the period 31st March, 1956, that deficit will be reduced to £9,000,000. To meet this deficit, I shall probably have to call on the whole of the interest-free loan which Her Majesty's Government has offered—to cover the period to the 31st March, 1956. It will be necessary before the end of the year to approach Her Majesty's Government to assist us for the April to June quarter, 1956. It is impossible before those discussions to know at what rate, if any, such assistance will be made available."

Well, Sir, I do not know whether our revenue is so buoyant, and instead of having to approach Her Majesty's Government for further financial assistance for the period of April to June, bearing in mind, as we do, Sir, the United Kingdom fiscal year ends on the 31st March and ours on the 30th June, I fail to see,

Sir, in view of those remarks, how our friend, the hon. Member, the Secretary to the Treasury, can possibly be so optimistic as to imagine that we may not have to draw on that £9,000,000 and more particularly the £4,000,000 interest-free loan.

Now, Sir, my hon. friend, the Secretary to the Treasury, also in the course of his speech, mentioned Mr. Butler and his proposal to introduce a supplementary or interim Budget in the United Kingdom. Now, Sir, I could not quite understand the inference there or whether there was some sinister idea behind the remark, or was it possibly, Sir, that the Minister for Finance, having now learnt the error of his ways and at last realizes that the present burden of taxation is far in excess of what the Colony can bear, is contemplating the introduction of an interim Budget for the purpose of reducing taxation?

Now, Sir, in the absence of the ethical Gill Report, it is very difficult and I suppose it would be premature, on my part anyhow, to attempt to make any suggestions in regard to reduced taxation. But, on the other hand, the Minister for Finance has an advantage over hon. Members on this side of the Council, as he has been in possession of that report for some time and he is perfectly aware of the recommendations contained in that report. We can only hope, Sir, and sincerely hope, that he will take due notice of those recommendations and will, in fact, implement at least some of them. In the absence of any knowledge, may I suggest to the Minister that he might consider the abolition of the 75 cents income tax surcharge which was introduced specifically as an Emergency measure. (Interjection by Mr. MATHU.) The Budget will not come into operation until July next year.

Now, Sir, two African Representative Members earlier in this debate advocated compulsory education for Africans. Well, Sir, we appreciate that desire. It was, of course, dealt with by my hon. friend, the Director of Education, who pointed out that it is, of course, a question of finance and a question of personnel for the teaching staff. But, Sir, I think it was again the hon. African Representative Member, Mr. Mathu, who said that they were prepared to pay

[Lt.-Col. Gherrie]

anything, and they would agree to increased taxation. Well, Sir, it has merely given me an idea and while I am not advocating on this occasion hypothecating finance, it has occurred to me that the Minister for Finance might again consider the introduction of a graduated wealth tax for Africans. (Interjection by Mr. MATHU.) But it has given me this idea.

Now, Sir, I do believe there is still a great waste of money and manpower taking place at the present moment as a result of the Emergency and, Sir, quite apart from square pegs in round holes, I believe there is a definite waste of manpower. I do not propose to go into detail at the moment, but I will just quote one case, Sir, where an individual was employed in the Kenya Police Reserve. An application was made for his release and it was suggested that on 2nd August he was indispensable. In less than two months, Sir, he was redundant, but this is the point, Sir. During those two months that officer received nearly six weeks' leave and, worse still, 36 days of that leave were unpaid leave and, therefore, Sir, as we are perfectly aware, most European firms of repute, I suppose it applies to other firms as well, that they have made up their employees' salaries to what they would have been earning if they had been working for their own concern and, whereas this was 36 days' unpaid leave, again that burden fell on the employer. It is rather strange in this case because that particular individual also had a month's leave at the expense of his employer in January this year. So in point-of-fact he received 10 weeks' leave at the expense of his employer.

There is one other point, Sir, that I would like to raise. As a result of the Emergency there have been a number of plots which have been taken up by individuals which, due to various causes, particularly in the affected areas, people have been unable to fulfil their development programme. I raised this question some time ago, Sir, I think it was probably two years ago, and asked whether Government would give sympathetic consideration to these cases and I was assured by the then Member for Lands that he would. Now I am aware, Sir, that since then land has been confiscated

by Government from these individuals. The point I wish to make, Sir, and I would like an answer to it sometime, is, is it the intention of Government that, having sold a piece of land which an individual has purchased and put all his savings into, and because of circumstances beyond his control he cannot carry out the necessary development conditions, that Government then confiscates the land and, bearing in mind, Sir, that land must have appreciated over the period of two years, certainly in the particular area that I am thinking of, they are in fact prepared to make a profit off that individual by effecting a second sale and leaving him high and dry.

Now, Sir, to conclude, the Minister for Finance informed us again during the course of the Budget debate, that it would be necessary to transfer large sums of money from the Emergency expenditure to our recurrent expenditure. Well, Sir, it is rather interesting to note that His Excellency the Governor in his communication also referred to this matter. He said, "I will now turn to the financial and economical position. The Colony has continued to enjoy generous financial assistance from the United Kingdom, without this it would be impossible to maintain our existing basic services. In order to present the clearest possible picture of our continuing commitments, items of Emergency expenditure likely to be with us for some time will where possible be transferred to the Colony's ordinary votes in the coming Estimates."

This is the point, Sir, he goes on to say, "It will be necessary to keep new services to a minimum and to avoid expenditure which, however desirable, is not absolutely essential!"

Sir, may I commend the last sentence in particular to the Minister for Finance for necessary and urgent action.

Sir, I beg to support,

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. HOPE-JONES): Mr. Speaker, I will largely confine my remarks to one or two matters that have been raised by hon. Members in the course of the debate, but before I do so I do wish to refer to what is, in my view, a key point in the gracious speech. In that Communication, the flow of capital to

[The Minister for Commerce and Industry] in spite of the Emergency, is referred to.

Now, Sir, a number of hon. Members, in speaking, have referred to matters and events that may prevent that flow continuing—that may indeed have reduced it. During the Emergency, during its most bitter phase, there was undoubtedly a reduction in the flow of capital. There has, however, in the last year, been a recovery in the flow of private investment. This has not merely been a matter of accident. For those who are controlling the investment of funds overseas, the relative stability of various countries and the relative attractiveness from the point of view of investment is the decisive factor and, assuming that those who make such investments know their business as is generally the case—and I am speaking particularly of private investment—then, I think, it is reasonable to assume that they must find certain favourable factors in this country that induce them to make the type of investment to which I am referring to. I do not propose to list the adverse factors; we are all aware of them, but I will venture, Mr. Speaker, to refer to one or two of the favourable factors without which that flow of capital would have dried up and unless they are maintained will not continue to increase.

First of all in respect of company taxation we have got a favourable level of taxation compared with many other countries that are competing with us for capital investment. Secondly, and here I would quote the words of an investment banker with whom I had some discussion

“In terms of political stability this country, in my belief, compares well with many others and compares favourably with many that have been attractive fields for foreign investments in the past.” I believe that it is our duty to publicize these favourable factors if we wish to encourage that flow of capital investment without which so many of our hopes and aspirations for the future are mere illusions. It is on the basis of that development, on the basis of capital investment, that so many other desirable things, social services, education, roads and other desirable things become possible. It is on the basis of such investment that loan charges become something

that can be borne without harmful effects rather than an undue burden on the economy. Those are favourable factors and there are others, for instance the strategic position of this country, particularly of Mombasa, in terms of export markets.

Let us look at the facts for a moment. Last year for the first time in Kenya's history, that proportion of the national geographical income arising from manufacturing industries was greater than the proportion arising from European agriculture. In saying that, I do not wish to draw invidious comparisons, far from it, because so much of our industry is dependent upon agriculture and is an extension of it and a very healthy and desirable extension of it. Take, for instance, the canning industry. Seven or eight years ago it hardly existed, to-day new crops are being grown, they are being processed and canned and a very large proportion exported. I merely give that as an example because I do not wish, Mr. Speaker, any hon. Member to think that there is any competitive element in pointing out that our manufacturing income is increasing rapidly. It is dependent, to a very large extent, on agriculture and is in those respects an extension of it.

Now, Sir, the hon. and gracious lady, the Member for Nyanza, spoke as though there was very little industrial development going on in the Colony. I do not wish to bore hon. Members by recapitulating a long list of industries that have been started up in the last two or three years. I would, Sir, with your permission, refer the hon. and gracious lady to a recent article in *The Times Colonial Supplement*, a recent article in the *New Commonwealth* magazine, and a recent article in *East Africa and Rhodesia*. I would also venture to refer to her long list of industries in the publication known as *Commerce and Industry* of which I sent her a copy about three weeks ago, a personal copy, and I would ask her, when she has five minutes to spare the time to compare that list with the list appearing, say, in the edition of three or four years ago.

Now, Sir, the hon. Member for the Eastern Electoral Area, I think made a very valuable contribution to this debate when he referred to the necessity of doing everything we can to attract

[The Minister for Commerce and Industry] capital. There are many inquiries apart from those that come to me, that come to most Members of this Council; there are many people who ask for advice, and, as a result of their advice, much valuable capital has been invested in the country. I know all Members of the Council look upon those opportunities and contacts as an opportunity to do something for Kenya and here I would like to include the Members of the Board for Commerce and Industry. In doing so I would refer to the late Mr. Stanley MacKnight who died last week and was a very valuable member of the commercial and business world of this Colony and a most self-sacrificing, wise and tolerant Member of the Board of Commerce and Industry. He has, over the years he has been here, made a very great contribution to the public and economic life of the Colony and I personally am most grateful to him and I believe those of us of this Council and those outside who are members of the Board of Commerce and Industry and, indeed, every Member of this Council, would wish to associate themselves with what I have said.

Now, Sir, I would like to turn to the points raised by my hon. friend, the Member for the Western Area. He said, and I agree with him, “Why do we not introduce the same kind of rent control that they have in the United Kingdom?” Well, Mr. Speaker, that is precisely what we have got. As far as business premises are concerned, they have never been rent controlled in England since 1939. They have been occupied and the rents have been paid according to the laws of supply and demand. As far as housing is concerned in the United Kingdom there, Mr. Speaker, has been rent control as it still remains in Kenya with the exception of a category of new houses. Now, Sir, I do not apologize for the Government's record in regard to rent control. The Government, I believe, has taken the right course. It has attempted, possibly inadequately, but nevertheless to the best of its ability, to protect the poor and indeed those who must have accommodation in which to live by controlling rents. It has taken the decision and I am positive, the right decision to decontrol business premises, and some results in

new building are already obvious in every commercial centre in the Colony, the policy of decontrol is, in fact, encouraging the provision of new office and commercial accommodation throughout the Colony. It is only, Mr. Speaker, by allowing, when it is safe to do so, it is only by allowing the play of economic forces to bring into line demand and supply that in the final analysis the problem of accommodation as, indeed, many other economic problems, can be solved. Of course, there is some hardship, there always is, but the Government has extended the period of control over business premises until the end of next year. Naturally, we keep the position under review. My hon. friend, the Parliamentary Secretary, is doing most valuable work in keeping a close watch on the position. The matter is continuously on the Agenda, as my hon. friend knows, of the Board of Commerce and Industry. We are always ready to watch the position but, Mr. Speaker, I must make it quite clear that I cannot undertake to extend rent control in the way, I believe, the hon. Member might wish me to do. We will examine the position but I can give no undertaking whatsoever at the present time.

Sir, the African Representative Member, Mr. Awori, spoke about immigration into the Colony. Now, Sir, the particular aspect to which he referred is a point to which I have given a good deal of thought since he spoke and I believe that the hon. Member would wish me, and I believe he will agree with me, to make this point, that, with the developing economy, that I believe we are right in anticipating in Kenya, we must have the technical ability and the know-how to enable that expansion to go on and be successful. The first, and quite rightly so, obligation is to see to the best of our ability that our own people are given the opportunities to take advantage of this economic expansion. That is, I believe, being done to the best of our ability through training in industry, through the Royal Technical College, through the Jeanes School and other institutions but, nevertheless, if this expansion goes on, indeed, if it is to go on, for many years there is going to be a continuing and absolute necessity to import technological know-how and technological skill and that means selective immigration.” I

[The Minister for Commerce and Industry] believe my hon. friend will agree with me, but I felt that it should be put on record.

Now, Sir, there is one point my friend, the Nominated Member, Mr. Tyson, raised. He referred to the dispersal of industry. The hon. Member has made the point before and the Government's reply has been given by myself and by my hon. friend, the Minister for Finance. Nevertheless, I would wish to go on and say that Government agrees with him that the dispersal of industry is desirable. The facilities to make that possible are being provided in many centres and, indeed, since he last raised the question there has been a considerable dispersal up-country and also at the Coast. That is a wholly desirable thing in itself, nevertheless, and I must repeat this, it is not the Government's policy to say to the individual investor, a group of people, or to a company wishing to establish a big factory, like the new B.A.T. factory, for instance, in Nairobi, representing the investment of £1,500,000, "You may not come to Kenya unless you go to X or Y". We cannot afford to do that. I do not believe that it would be desirable if we could. I believe it would be an undue interference with the practical judgment of those whose job it is to invest their money wisely and rightly and I would not be fair unless I made this proviso. I do not feel we are in a position to direct industry. We do feel, however, that every possible inducement should be given to encourage dispersals.

As far as my hon. friend, the Member for Nairobi North, is concerned, I regret that he had to speak before me. I was not aware that he wished to speak after me. I wished, however, to speak after him because I felt that he would raise, as he so often does, those very pertinent points that require an answer. I was disappointed, however, to see that he did not fling down the gauge, though it may be that other Members, later on when I have finished, will do so. Then, Sir, I will have to rely upon my hon. friends.

Well, Sir, I think that I have dealt with the points, to the best of my ability, that hon. Members have raised. I would conclude by supporting the Motion.

Mr. USHER (Mombasa): Mr. Speaker, Sir, I regret that I have to make a few remarks on the subject of trade unions after the Minister has dealt, if I may say so, more than adequately with this important subject. I think that perhaps hon. Members would not appreciate, from what has been said, how rudimentary this trade union movement is and how small in scope. Let us look at the figures. Now, the total number of estimated employees, agriculture excluded, were Africans, 395,700. Now, let us look at union membership, that is the voting membership, the paid up membership, of 3,934. That is 0.75 of one per cent. It is true that if you go outside industry into the Railway you find a better showing. The Railway have an African membership of 2,357 out of a total employed of 31,700. That is getting better. It is 7.4 per cent. But, Sir, I think it is important to repeat, even if it has been said before, as indeed it has, that the trouble with the movement is that perhaps it has been organized from the top instead of being allowed to grow from the bottom. I heard some reference to the good work done by Mr. Mboya, who is generally regarded as the leader of this movement, over the Mombasa strike. I do not wish in any way either to belittle Mr. Mboya's capacity for this kind of work, or belittle his part in the Mombasa strike, but it must be remembered that at that time it was only an African who could speak to Africans. It is equally true to say that this illegal strike was eventually solved by firmness and good organization of the administration in all its branches and the good sense and human outlook of the employers.

Before I leave the subject of Mr. Mboya, who we all hope will profit by his course of study in England, I would like to state that I think it extraordinary if—and I think my supposition is true—he is to some extent subsidized from the public funds, that he should be permitted to play politics at Home and give Press interviews, and I should like to hear that that is definitely forbidden and will be stopped.

I do not know that there is much more to say on this subject except that one would advise employees to avoid the error of organizing from the top, and let them organize by trades and

[Mr. Usher] businesses, or whatever they are in, and let their first thought be to give value for money. Let the employers also think in this way. Let them organize properly by trades and businesses and industries; amalgamation can come later. And let them, above all, see that their unions, if we call them such, their associations, are representative so that negotiation is not a vague dream. Let them see that they have a well devised wage structure and strong personnel management.

Now, may I pass for a moment to taxation just to give a word of welcome to the Commission that is to be appointed to examine the incidence of income tax in these East African territories, because there is no doubt that there is very great dissatisfaction with the present law. I think it is time for a little plain speaking. I have examined the figures available at the moment, though I understand that others will be available very shortly. The Asian community, for instance, is three times as large as the European community, but we find, if we look at the figures, that the Asians and others, not many others it is true, pay 1/6th of the tax that is paid by the Europeans. We find that if you look top at allowances, that on total income the percentage of allowances for Europeans is 19 per cent; others 40 per cent. We may do well to do away with these allowances and strike a lower rate, and I am only suggesting at this moment, Sir, it might be a very efficacious contraceptive.

Now, Sir, I turn to something entirely different. That is the marine fishing industry. I think all who live on the coast are very grateful to Mr. Alfree for the way in which he is developing things down there, and I would like to give an opportunity to the Minister, who is in charge of the fishing industry, to say a few words on the organization, because from our point of view—I speak as a consumer—it is not satisfactory. It lags far behind other industries, as far as I can see—other industries that are concerned with the production of food. My understanding of the matter is that even inshore fishing can give us enough fish to feed Kenya and a surplus for export, if it were only possible to provide the cold storage that is necessary to

keep the fish for about nine months. Perhaps the Minister will be able to indicate what is in his mind in regard to that—also in regard to the development of deep-sea fishing of which we have heard rumours.

I am sorry that the Minister for Commerce and Industry has sat down, but I do not know that this is altogether his subject, but I feel I must again follow up the remarks which I made during the Budget debate on tourism in this country. I regard the situation as very serious. Many Ministers are involved, I know, and perhaps they will be able to give me some satisfaction. The Chief Secretary himself promised his personal attention to the matter, but I dare say it has not yet been possible for him to co-ordinate the various sections of the Government which are concerned in this matter. I think, in fact, really scant attention is the right expression to use in connexion with this industry. I have heard it described, and I think not without justification, the other day as "the forgotten industry". A few years ago Sir Frederick Ogilvie noted that the U.K. tourists receipts were included in a miscellaneous collection of receipts—business, travel, commissions, royalties, allowances and omissions in current account, and asked what could be more grossly insulting than to put receipts for such an important industry in such a rag bag. I rather think that is what we are doing here; but since the matter has been organized better in the United Kingdom, it is recognized that it is the concern of the whole nation, not just the Department of Information or an organization outside of the Government. Just under a million was spent in the United Kingdom in 1954 and it is interesting to know how that million was made up. Eighty-six per cent was subscribed by Her Majesty's Government, 6 per cent only by commerce and 8 per cent from sales of literature, advertising and all that. I compare these figures with those of the East African Tourist Travel Association, which spent £25,000 for the whole of East Africa in competition with South Africa's expenditure of £200,000. South Africa is our nearest and hottest competitor. That money again is divided here between the Government, 54 per cent, commerce and East African Railways and Harbours, 35 per cent, and all

[Mr. Usher] other sources 11 per cent. Sir, it is no good to argue that, say, an hotel as a direct beneficiary, should pay most of the subscription, because it does not work out that way. One hotel becomes a subscriber, another does not; and they both benefit equally. This is, Sir, a matter for Government and I do not mind if I am told I am asking for expenditure, and large expenditure. The competition is becoming ever more intensive. Now, what are the really practical matters that we ought to attend to? I know that Kenya is this year making a film and, I think, for the first time; let it go on making films; let it be an annual event.

Roads we shall hear about later from someone more able to deal with that subject, but I would ask, Sir, for the publication more quickly of hotels standard regulations, or whatever they may be called. I believe they are in the offing but it is most important that we should have them, and also that we should have subsidiary Hotel Authorities established, and particularly in Mombasa. Central control, with the best will in the world, and all the efficiency I believe the people on the Central Hotel Authority to possess, is not adequate.

If I may come now to more parochial matters, we have lost the money that was intended for Fort Jesus and I would ask that it be restored. That will come up when we debate the Planning Report.

I would ask if there is any news about the Likoni Ferry, because I know that plenty of people come ashore at Mombasa and they have not got somewhere to go. They have heard of Shelly Beach or this or that, and we have to tell them with shame what they will have to face before they get there. Access to beaches again is a most important matter and I believe that the Commissioner of Lands has that in mind. I hope it will not be long before reasonable access is provided for tourists, and all others within a short range of Mombasa.

Sir, I ought not to leave this subject without commending the very fine work which Mr. Dennis Mathews has done

single-handed. There used to be a secretary. He is his own secretary, but the improvement of the organization has been really remarkable and his work is worthy of the highest commendation. He is trying to produce the literature but he has not the money to do it with, and I still want to know whether it is the intention of the Information Services to produce such literature.

One or two speakers, Sir, have said that very little has been said about economy. There are, of course, other means than the very obvious ones of dealing with inflation. I am not going to speak about inflation very much because I know that the hon. Member for the Coast will be dealing with that subject. But I would mention that among those expedients which are not so obvious are opportunity for investment; and indeed that opportunity has been given recently and has been taken. I wonder if I might ask the Minister for Finance, in his reply, to say if he can what is the breakdown between local investment in the recent £2,500,000 loan and investment from overseas. Another way of dealing with the matter is by the provision of a savings scheme. We have heard for some time that the position was being examined by an expert from the United Kingdom and we should like to know with what result.

Now, Sir, I do not want to speak of those other things. They have not been mentioned in this Council. I saw the words trembling on the lips of the Secretary for Finance when he was replying to my hon. friend the Member for Mount Kenya. We do not want to hear about those things, but I will suggest, before I leave this subject, that the urgent need for economy is always being stated and very little is done about it. But the economy must be of three kinds—Government economy, business economy and private economy. Now, Sir, when we begin to speak about economy and consider Government economy, may I state that I was astounded the other day when I picked up *Commerce and Industry in Kenya*, and looked at the tables at the back, to find that of all the Europeans employed in this country apparently 42 per cent were in the public services. Now, Sir, we used to joke about that sort of thing and

[Mr. Usher] and Horace had a word for it. He said, say: "Oh, yes, every other man is a civil servant nowadays". Well, it looks as if it were very nearly true. I say "looks" because it is not quite the case. I do not use figures without having examined them and, of course, there is a little footnote here to say that self-employed workers and directors and partners without basic salaries are excluded. There is some comfort to us to know that these probably amount to about 5,000; that there are not 1,500 Europeans only on the land, but more likely 3,000—and so on. And so we get down to a mere 33½ per cent in the public service. But, Sir, that, in all conscience, is serious enough. I am not suggesting the remedy at the moment. The remedies will be suggested from this side of the Council very shortly. Let us then come to business. I think—everybody is rather tired of the enormous expenditure on what you might call advertisement—large parties, generally lavish expenditure, all passed on to the likes of you and me to swell our monthly bill. Perhaps most important of all is the necessity for personal economy and for a reduction of the standard of living. The trouble is, Sir, that in these days young people, and people in the lower ranks of the services and of trade, and so on, expect to enjoy those pleasures and amenities which the likes of myself did not expect to enjoy until we are well on in middle age—and were not able to enjoy them owing to the devaluation of sterling. I think really this thing must stop somewhere, but there must be some very strong appeal to members, all members of the community, to adopt a more reasonable and sensible standard of life so that they are able to save and contribute to the economy of the country. It may need very great strength from Government, it may need sumptuary laws other than laws which are merely taxing laws; that is to say laws which cannot go very far because you would have the law of diminishing returns in operation. It may be necessary to go outside such legislation. If that is so, let the Minister for Finance be prepared to do so.

This is an old problem, the problem of excessive personal expenditure known to the Greeks, known to the Romans,

and Horace had a word for it. He said, "civium ardor prava jubentium". Let not "the hot demands of"—what shall I call it?—"a rabble-demanding worthless things" affect a man who holds to his purpose. Sir, I beg to support.

THE MINISTER FOR WORKS (Mr. Nathoo): Mr. Speaker, Sir, in rising to support this Motion I wish to deal with two specific matters which have been dealt with by the hon. Members opposite. The hon. Arab Elected Member raised the question regarding the water supply at some townships at the Coast. I think, Sir, it would be of interest to the Council if I give a list of the schemes of augmentation of water supplies that are in hand and work on these will be commenced within the course of the next few days. These, Sir, are Nyeri, Thomson's Falls, Kabete, Embu, Gilgil, Kericho, Kakamega, Naivasha, Fort Hall, Kiambu and Kilifi. I think, Sir, the hon. Member was really concerned with Kilifi and Malindi. As regards the latter, I would like to say that work has already begun for increased supplies at Kisii, Molo, Meru, Malindi and Machakos and will be completed before the financial year is out, and I think, Sir, that, while approved, Government is fully aware of the necessity for providing adequate water supplies in townships which are developing all the time.

The hon. Member for East Electoral Area, Dr. Hassan, raised the question of roads and said that it was a great pity that Tanganyika had such wonderful roads between Arusha and Moshi, and some other places, whereas we have lagged behind. Sir, I would like to point out to him that as compared with the size of this Colony, we have a road which is going from here to Nakuru and which was built over 15 years ago, which compares very favourably with any road in the adjoining territories, but, Sir, it must be appreciated that the cost of a tarmac road on existing alignment amounts to as much as between £7,000 and £8,000 per mile, and where new roads are to be built the cost is sometimes as much as £20,000 per mile. I would ask, Sir, where all this money is coming from if we want to build our roads to a tarmac standard?

[The Minister for Works]

Another experiment was started in connexion with the tarmac road of not having such strong specifications and foundations and we have found to our cost on the Thika Road that unless tarmac roads are built with sufficient bases, their recurring maintenance and cost is prohibitive, and therefore, Sir, much as I would like it, for some time to come and until such time as adequate finance and resources are available to us, we shall have to build our roads to mostly murrum standards.

The hon. Member for Mombasa, Sir, raised the question of the Likoni Ferry. As perhaps the hon. Member has read in the local Press, in an interview with the Press after my return from the coast, I mentioned that the report from the consultants who have been engaged by Government to go into the question of the Likoni Ferry has been received and is under active consideration by Government. I hope, Sir, that within the course of the next few weeks definite conclusions will be reached with regard to the report and some measures will be taken to relieve the position at the coast about which I would like to assure the hon. Member we are fully concerned.

I do not think, Sir, there are any other points which arise which affect my Portfolio, but I am sure, Sir, I know the hon. Member for the Coast is bound to raise questions which affect my Portfolio and I think we have got the hon. Member for Finance coming up, which he will be able to deal with.

SHEIKH MAHFUD S. MACKAWI: What about the Mombasa/Lamu road?

THE MINISTER FOR WORKS: I am sorry, Sir. Regarding the Mombasa/Lamu road, I would like to say, Sir, that the road between Kilifi and Malindi is in progress and will be very soon completed. The position between Malindi and Lamu is that 10 miles of road between Garsen and Milanga ya Silitbay, including three bridges, have been completed. There are 25 miles of really bad road between Vitu and Lamu and, on this, clearing work has been completed and, as far as the labour position is permitting, work is going ahead. I have every hope, Sir, that very soon the whole road will be on a standard which

will be quite good as compared to former times for at least 10 months of the year and I hope, Sir, that within the next 12 months the position will be that Lamu will be accessible throughout the year. Sir, that is the latest information I have.

MR. CROSSKILL: Mr. Speaker, Sir, we are living in stirring and troublous times but we have an impressive list of development projects which have been put before us. Unfortunately, road development is not one of them and I must correct the Minister who spoke last on one point. I would assure him that not an inch of the road between Namanga and Taveta, which has been quoted as such an admirable example to Kenya recently, has a stone base. It is all on murrum or on non-humus bearing earth of some kind or another and I would ask him to inquire from the Tanganyika authorities what methods they use. However, this impressive list of development projects, Sir, going into millions of pounds is very refreshing. I think that Government has courage to go forward at a time when finance and other factors are so difficult. We are told of big irrigation schemes at Mwea for the Kikuyu and Lukano in Nyanza, where tremendous advance will be made in the planting of cash crops by Africans, including 10,000 coffee growers in Meru, forest development, £150,000 for the Wakamba, large schemes for Nyanza and even a mile for the pastoral people who generally get least, £80,000 for the Samburu and the Nandi. Now, here I would hope that some of that is going to the Tugen. I have often in this Council mentioned the question of the South Baringo Reserve and its rehabilitation. I have a friend now on this side of Council and I know my hon. friend will support me when I ask for money for South Baringo, that being his home-land. I would like an assurance that some of that £80,000 is going to the Cinderella land of Kenya—the South Baringo Reserve. Undoubtedly flying over Kenya now one realizes that the face of the land is changing. One sees tremendous development—dams, water conservation and, above all, terracing and enormous and commendable advances. That is wholly admirable; it is a bold policy with exciting possibilities. Sir, but I think an outsider who was

[Mr. Crosskill] listening to His Excellency's speech would perhaps have wondered: what is the basis of the economy of this country. I feel that something more might have been said about the very foundation of our economy—the African and the European agriculture—from which comes the revenue which is so heavily taxed, which is carrying on this country and without which none of the development schemes, which I have enumerated, would be possible.

I have referred particularly to the tremendous crops of maize coming from Nyanza and also to the very large economic value of the crops being produced in the settled areas. I do not say this because I feel that that agricultural industry requires a thank you. No, Sir, nothing of the sort, but it does require nourishment, it requires fostering, it requires stimulation, because it is still the basis of the whole economy of this country. All that we are offered of interest to that great industry is the promise of a margarine factory and the promise of a Gill Report.

I feel that we should examine carefully the economy of the country and continue to ensure that we shall get a continued stream of reinforcements in the form of capital and personnel to bolster up and stimulate that basis of our economy. I do not feel that that stimulation is necessary in the form of an injection of capital so much as an application of the correct principles, correct economic principles, in the taxation structure.

I am going to refer, Sir, to the structure of taxation in this country. In doing so, I know, we all know, that we have a rebellion on our hands, that the expenditure on the suppression of this rebellion and the rehabilitation is tremendous. It would be wrong if it were possible, which it is not; it would be immoral to ask that there should be an immediate reduction in taxation in this country. I am not doing so. But we must look ahead and I do feel that we should have appreciated a statement of fiscal policy, as my hon. friend from the Aberdares said earlier to-day, which would have given people in this country some encouragement, and people outside this country who are thinking of coming

to it also encouragement to realize that they would be coming to a country with some promise—some promise of their own economic advancement. All I ask for is that we should have a declaration of policy and some statement of what that policy would be in the future. We must remember that the flow of capital into this country depends so much on the return they are going to get.

Now I am coming to the remarks of the hon. Minister for Commerce and Industry shortly. He was dealing with it from rather a different facet from that which I am trying to deal with at the present time, but I think when we are arranging fiscal policy, we must always remember one statement which was made in the Royal Commission Report, which is that the importance of external capital to East Africa is greater than the importance of investment in East Africa through external capital, which means that we have got to encourage capital to come here and make it convenient and profitable for it so to do.

But, Sir, I wish rather more to deal with this from the aspect of the agricultural industry which, as I said, is still the basis of the economy in this country, and I would, Sir, here quote two statements one from Mr. Troup's Report and one again from the Royal Commission. The first from Mr. Troup's Report, when he said that "taxation is a deterrent to development in farming out of proportion to the actual sums of money involved". The second, from the Royal Commission; reads, "Only by reduction in taxation can we increase our wealth". Now I may be told, as I have been told by the Minister for Commerce and Industry, that anyone who puts in a plea, the plea that I am putting in now, is crying "Wolf, wolf"; and that in spite of the present rate of taxation, capital is flowing into this country. That is undeniable, that is true, but I do maintain stoutly that we are getting to the limit at which taxation can be applied to this country.

Also, Sir, the Minister was referring more to commerce and industry rather than agriculture. I do believe that now capital is drying up from some sources, more especially for certain purposes, to this country on account of the impact of taxation. The Minister, perforce, has his head in the sky looking at large industrial

[Mr. Crosskill]

concerns who may be bringing in millions, but I, Sir, am looking at it more from the aspect of the basic agricultural industry of the country.

Unfortunately, Sir, the Gill Report and also the new commission which is being set up by the East Africa High Commission are only to deal with income tax. Now that, Sir, I think is wrong. I think it is a pity that we have not got a Commission examining the whole tax structure of this country of which income tax is only one integral part. I believe that our system here, as I have said before, is an appalling patchwork at the present time which has been patched from time to time to stop holes and to try to make it suitable for the peculiar conditions of this multi-racial country, and I do believe that the time has now come when we must examine the whole structure, which needs a complete overhaul. I believe at the present time that our taxation structure is outmoded, inefficient, inequitable and should be completely overhauled and made suitable to the conditions pertaining out here. It is no easy task, Sir, I know to design a tax structure for a country such as ours. It has very peculiar conditions—three different races, different stages of development, socially and economically, and it is no easy task to design an efficient and adequate system which will cover all those people. But, Sir, after all, we have now had 50 years' experience of the fiscal problems of this country. We have tried, at one time or another, almost every known form of taxation—direct and indirect—and I think we should by now, if we set up a Commission, be able to examine it with some reasonable chance of success.

Now, Sir, how should a tax structure be devised? It must, first and foremost, provide the finance for running the country and servicing the loan. Secondly, it should encourage development and more particularly so in a young, developing country such as our own. Thirdly, Sir, it should ensure that the taxation is borne equitably by all. Again, it should not create undue hardship and, finally, it should be susceptible to the efficient and not over-costly administration.

Now, I would just like to examine our own structure and scale of taxation and

see how it matches against those requirements. First of all it must provide the finance necessary. Undoubtedly, the finance is being obtained, but I do believe that the policy is rather one of semi-strangulation of a goose which is doing its utmost to lay bigger and better golden eggs—and, therefore, I believe it to be wrong. The second one, it should encourage development. Well, Sir, we have had thrown at us the low rate of company tax. That is true. That is a big encouragement to development by big companies, but the greater part of the development in this country has always been by individual enterprise, and the same encouragement is not given by any means to the individual and the private person; and so one can only accept the company tax as answering half that question in a satisfactory manner.

Now, furthermore, with regard to development, one would expect allowances of income tax as they have in Canada, South Africa and, curiously enough, even to a greater degree than we have in this country in the United Kingdom which in all conscience might be considered developed—but no. They have greater concessions of income tax than we do here in this country at the present time. This is not the time to go into details of these schemes. The Kenya National Farmers' Union has memoranda on the subject which they would be only too glad to hand to the Minister for his consideration, but, whereas, at the present time the only concessions allowed to be off-set against expenditure during the year, are on soil erosion, cost of imported livestock, and—clearing and planting land where crops of semi-permanent or permanent nature are to be planted.

Now the industry has asked time and time again for consideration of further extensions to those items, Sir. A few of them I will quote; dams, water conservation, fencing, houses for employees, farm buildings and the clearing of land. Now, surely, those are items which should have concessions if any in a developing country where we have been told that the policy of the country must be to intensify our agriculture.

THE MINISTER FOR FINANCE AND DEVELOPMENT: And Schedule A tax as well?

MR. CROSSKILL:—Schedule A tax I will deal with later.

Now, another point in which concessions might be given, and which we have asked for many times, is that profits might be averaged over a period of years. We have been told that that administratively is not possible. But, Sir, that is done. It is done in Canada. Now, if Canada can do so, can we. Here it is allowed in respect of coffee only, but not in respect of other types of farming. I feel that that should certainly be considered and accepted. There are great hazards as everybody knows in farming—acts of God as well as falling markets and so forth—and it is extremely difficult for a farmer to have an even income throughout the years.

Now, at the Kenya National Farmers' Union Conference a few weeks ago, one man got up and said that he had recently worked out his income tax and what it would have been had he been allowed to average over four years, and he had paid almost double what he would have had had he been able to average. Therefore there is distinct hardship in that respect.

Now such concessions, if they were allowed, would allow the development and the intensification of farming out of profits without the injection of further capital and the dangers of over-capitalization. Furthermore, a big advantage of allowing such a procedure for development is that it is not inflationary.

Now, with regard to the means of development. We have been told again by Mr. Troup and we have been told recently in the Royal Commission Report that immigration is a vital necessity for the further expansion of the economy of this country. Are we attracting immigrants to this country? How can we compare what we offer with countries in a similar state of development such as the Federation of Central Africa? I say, in general, that our taxation here is double what it is in the Rhodesias. Is that an attraction? What does attract the immigrant here to this country? The climate? Adventure? Does that make sense? Yes, but what really attracts him is the possibility of being able to accumulate capital by his own efforts and that, Sir, is impossible at the

present time, as it is impossible in England owing to the rate of taxation.

We have recently been issued with a pamphlet showing the rates of taxation in the 39 colonies which remain to us. Now, at the head of the list was Dominica. Well, I would suggest that Dominica is an older colony, a little more developed than this one and, therefore, one might be prepared to pay the taxation which is demanded of one in that colony. But not in a Colony so young as this where we must develop and I must take as a comparison, which will be a comparison taken by a prospective immigrant I feel, a country in a similar state of development to our own, and those naturally are the Rhodesias.

I take the case of a married man with two children with an income of £1,000. In Rhodesia he pays no tax, in Kenya £37. If his income rises to £1,500, in Rhodesia he pays £35 and here £114—five times as great. The next item—there is not such a disparity—when he gets up to an income of £2,000, here he pays £234, in Rhodesia £100. Now I cannot see that if we maintain the disparity of taxation with the Rhodesias that we can expect the immigration that Government has told us is needed in this country for the expansion of the economy.

THE MINISTER FOR FINANCE AND DEVELOPMENT: I wonder if the hon. Member would be good enough to quote the figures of company tax as well?

MR. CROSSKILL: Mr. Speaker, I said at the beginning I was dealing with agriculture and not with the whole of industry. In particular, I said that the company tax was attractive in this country. Undoubtedly there is an attraction of capital to be invested by companies in large projects, but even they will feel the difficulty when their employees start grousing and finding that they come out to this country and have to pay more taxation than they would in Rhodesia.

THE MINISTER FOR FINANCE AND DEVELOPMENT: I thank the hon. Member for giving way, Sir, but the point I am trying to underline in this argument is that he must have regard, when quoting examples like Northern Rhodesia or

[The Minister for Finance and Development]

the Rhodesias, to the structure, the receipts from company tax which, if I am not wrong, is seven and sixpence in the pound and brings in the greater portion of their income and the receipts from individual taxation in the whole value of their economy.

MR. CROSSKILL: My point is, Mr. Speaker, that the great number of people that I am referring to, the small immigrants coming to this country, would not be affected by company tax in any way whatsoever.

Now, the next point, Sir, is, is the tax paid equitably by all in this country? Well, actually, half the tax is paid by one per cent of the population. Now that means nothing in itself. It might well be that it is equitably borne, but, Sir, I think if we analyse and compare the taxation paid in Kenya and in the United Kingdom, it will prove that it is inequitable on the citizen of Kenya. Now I take these figures from the pamphlet issued by Government recently which gives the comparison in percentage of gross income payable in taxes, insurances, contributions, child education, medical and dental fees and a motor vehicle, between Kenya and the United Kingdom; and it shows there that if anyone has an income of between £500 and £600, which is a possible income of a young immigrant coming out to this country, he will pay 76 per cent of that income in taxation in Kenya, whereas only 34 per cent in the United Kingdom. I cannot see, therefore, Sir, that it is equitably borne by all the people in this country. Furthermore, the amenities and the comforts in England are very, very different from those in Kenya where we do not even have tarmac roads. A further point to show that it is not equitable, Sir, nor does it properly cover all the people in this country, I think the Masai will provide an example of where the country should be obtaining more revenue from their wealth. I think also that we shall find that our present tax structure and system does not cover, is not seeking yet to cover, the increasing number of African people who are, by their industry, getting high executive positions and are in a most satisfactory financial position in business. I do not wish to

detract from the economic advantage they are getting, but I would like to see a system which will ensure that they assist in the development of the state.

With regard to hardship, which was another qualification which I said tax should have—inflicting no undue hardship, I do believe here that there should be a modification in our taxation so that people of over 65 years of age should pay no tax whatsoever on earned income.

Now, another point which I think should be considered, Sir, is this question of ratio of direct or indirect taxation which has already been mentioned to-day. In the Plewman Report a certain ratio was recommended for a country of this stage of development which I believe was three to two, and he said that that should not be exceeded. But the Minister for Finance in a recent debate in this Council gave one the impression that he thought that that ratio should be narrowed and that the correct ratio should be almost equal. Now, I think that he would find it much easier and perhaps less costly to obtain the revenue of the country at this stage of development by a higher range scale of taxation on indirect than direct.

Now we are told that there are 10,000 coffee growers in Meru and, therefore, I believe that we must examine how in the future we shall be able to see that they subscribe towards the revenue of the state. How better than by a coffee tax? Now, that has been much abused in this Council, but I believe that it should be reconsidered and I believe that it would be generally accepted and there would be a very sound tax if there was a corresponding offset of taxation against income tax. I do feel that since the development of the country is all important, we should do our utmost to see that the proper economic incentives are applied. Now, economics is not an exact science, but it can so be used to give incentives or deterrents in certain ways of life. It is not quite as in the case of a friend of mine who took an economics degree some years ago, went back to his university and saw his tutor, and, as a matter of interest, asked whether he might see the examination papers for the last year or two. When given them, he looked at them and to his

[Mr. Crosskill]

amazement he found that they were all the same and said, "But surely they must be out?" His tutor said, "Oh, that is quite all right, you see in economics each year we change the answers".

But my plea, Sir, is not for reduction of taxation to-day or to-morrow. My plea is for an appreciation of the situation, a review of the general system and structure of taxation which I believe to be inadequate for the peculiar conditions of this country at the present time, and a statement by Government on their policy in order that there should be no deterrent to the inflow of capital and immigration.

Now, Sir, a short word with regard to County Councils. The problem of County Councils again is related only too sadly to that of taxation. They are in a financial dilemma, and are struggling at the present time against considerable difficulties. When they were formed, they were given to understand that certain townships which were to be put under their command and over which they were to administer, would pay for themselves and there would be no expense on the rates which were to be levied by these new County Councils. That, unfortunately, for some reason which I hope the Minister will explain, has not materialized. They find themselves in an extremely difficult position, with their ratepayers naturally being so heavily taxed as I say by Central Government that they are loath to add to the burden by paying heavy rates. In any case it was expected that rates would be to provide services and improve services for the people in the County Council areas, but, unfortunately, as up to the present time, a great part of those rates have gone to paying the deficiency which they did not expect when they took over from the townships, which, in the case of Nakuru County Council, is an annual liability of £5,000. Now, Sir, they are being promised a diminishing grant which is less than is necessary, or less than appears necessary, and is only just enough to carry that £5,000 deficiency on their township revenue, so here, we have something which we feel to be essential to the development of this country—local Government bodies taking a certain

amount of responsibility from this Central Government and possibly, we hope, doing it more efficiently because of their local knowledge and local experience. They do require, all the assistance they can get at the present time and I do hope that the Minister will do his utmost to remove the feeling that orphans have been left on their doorstep at the present time which they are asked to look after.

A word, Sir, with regard to education. I would ask the Minister if he will do everything in his power to encourage and assist the growth of the one or two rural day schools which are springing up. They spring up of necessity because the present Government schools are inadequate to take all the children on offer, but, unfortunately, all is not going smoothly. If I may be permitted a little parochiality at the moment, Sir, I would refer to the Molo school where there are some 30 children; there they have had to rely on private assistance to put up certain buildings. I would say that some of the parents there are paying as much as £70, £80 or even £90 a term in order to get the children there. That may sound incredible, but I can give the hon. Minister details if he wishes afterwards. The schools do not work in rural areas until we have hostels. Hostels are not very expensive, but it is an urgent matter that they should have them so that those schools which are of benefit to us in relieving the larger Government schools should be put on a successful footing as soon as possible.

With regard to forest policy, Sir, earlier this year, in June, I did appeal to the Minister that the policy should be more flexible in view of the exigencies and stringencies of the time—that one should use more imagination and be less conservative with regard to forest policy. I asked also that private enterprise should be considered in the development of the forests, primarily—or rather, for one reason—because the funds are inadequate, and it seemed to me that by lending out our greatest asset, the forest, to private development, we should overcome the difficulty of the shortage of money; and I reiterated that plea to him for a bolder, less conservative, more flexible policy, while still asking in no way for a rape of our forest assets.

[Mr. Crosskill]

I asked for an examination of the possibility of planting forests in the dry areas, which I thought were desirable from the point of view of preventing desert encroachment and, furthermore, they would provide timber for cutting in more accessible areas than some of those on the present mountainsides.

Finally, I asked—which I reiterate—that he should give greater encouragement to a pulp industry coming to this country. I am glad to see from His Excellency's speech that there is planned tremendous acceleration in the planting of commercial timber. The 12,000 acres a year which are promised as a target, are now in line with the recommendations of Mr. Marquand and also of Mr. Hiley. I am very glad also to see that we are at last enlisting the aid of South Africa in the form of Dr. Craib, who is coming up here shortly, and from him I hope we shall get some definite information on planting timber in the drier areas of this country. Not so long ago I was at an E.A.A.F.R.O. conference at Mbuga and I asked there specifically whether it was not possible to plant more in dry areas. I was asked by Dr. Griffiths what I meant by a dry area, and I replied, where there would be about 20 in. of rain. He said, "You can plant anything there; I have been planting trees in India in places where there is 5 in. of rain and the temperature is 120°." So the position is not impossible, but he told me that so far Kenya had expressed no interest in such development. I do hope that now that we have Dr. Craib coming and we have also a lot of information right on our doorstep, that we shall consider the planting of such areas as soon as finance permits, or even sooner if it can be done by private enterprise.

Now, Sir, almost finally I should just like to refer to a Treaty which I believe to be deterrent to commerce and industry in this country at the present time, and that, Sir, is the Congo Basin Treaty. It is a half forgotten Treaty, but it does still affect our lives and I feel it should be reviewed, modified or, more properly, terminated. In order to refresh people's memories about this Treaty, I should say that the main provision is to maintain between their respective nationals and those of states, members of the League

of Nations, which may adhere to the present Convention, complete commercial equality in the territories under their authority.

I am not certain that complete commercial equality between all those signatories is now to the advantage of this country and I believe, for that reason, it should be terminated. The signatories are the United States, Belgium, the British Empire, France, Italy, Japan and Portugal. It seems extraordinary that today we should have commercial equality with Japan, but I do not see what right she has still to demand that equality. There was provision for the signatory powers to reassemble at the expiration of ten years to introduce such modification as experience showed necessary, but somehow this appears to have been forgotten and I believe it has never reassembled.

Curiously enough the provision with regard to spirituous liquors—contrary to the general belief—the manufacture of spirituous liquors is not forbidden in this country and I believe it would be to the advantage of this country if that were more generally known and if the hon. Minister opposite were to encourage such distillation. But I think he may find in Clause No. 2 there may be some difficulty which he will have to counter with regard to the Shell Company refinery in Mombasa and I would ask him to examine it in that light.

Now, Sir, furthermore it says the high contracting parties will prohibit the import, distribution, sale or possession of spirituous liquors where their use is not being developed. Well, Sir, I believe their use is being developed on occasions, perhaps even within the precincts of this Council, and therefore I think that reinforces my statement that this is outmoded and outdated. Italy was one of the signatory powers. In Somalia they distil spirit, in Rhodesia they also distil spirit and I believe there has been no great scandal or difficulty over that distillation, and therefore I feel that we should take steps to establish such an industry in this country, which would therefore reduce the cost of living to Sh. 11 a bottle as it is in Rhodesia. I believe the Government attitude is one of "let it die" but, Sir, like Charles II it has been "an

[Mr. Crosskill]

unconscionable time a-dying" and, as I said, I think it is a deterrent to industry in this country.

Finally, Sir, just one word on the Emergency, on which I think most points have been covered; we have had very reassuring statements from the ministerial bench opposite, which I think shows that they have got their feet on the ground, one eye on the ball and the other on the future, but there are just two points I should like to mention. The Kikuyu Special Tax. Now we have been told that the Kikuyu people will pay the full penalty of the rebellion. I do feel that we should now have a statement saying that the imposition of this special tax will be for a certain period of years so they will know and appreciate it, and I suggest that that should be ten years.

Finally, Sir, just the point which has already been made about Nairobi, which I think we all recognize as a key point in any future attempt for resurgence of *Mau Mau*, and I feel that we should take a very strong grip on the numbers of population coming into the city, and I think if that is sternly regulated we may have less trouble than if we do not notice that point.

Numerous tributes have been paid to those concerned in the suppression of the rebellion, but I would, Sir, just finally like to say that I think we do owe a debt of gratitude to the Commander-in-Chief for the imaginative way in which he is dealing with the suppression of the rebellion at the present time; also, Sir, for the tremendous energy of the Deputy Director of Operations—and also to the pertinacity of the War Council in general.

Mr. Speaker, I beg to support.

CAPTAIN HAMLEY (Nominated Member):—(Applause.)—Mr. Speaker, Sir, I intend to be brief in this my initial effort in this Chamber and to confine my remarks to more or less amplifications of some points already made by previous speakers.

Firstly, Sir, on the question of trade unions—I think that the remarks of the hon. Minister for Education, Labour and Lands must have dispelled a great many of the original misgivings that

hon. Members had about trade unionism, but I must confess that I myself still have a little unease. My unease is over the rate of development of trade unions. I do hope that the new trade union official, whom we hear is coming out from England, will not conduct a sort of revivalist campaign to whip up trade unions. I do think that they should be allowed gradually to evolve. After many years of contact with African labour, I am myself convinced that healthy, non-political trade unions are essential to the welfare of this country, not the least of my reasons being that in the last resort they do provide spokesmen in labour disputes in order that negotiations may go on for a settlement—the lack of such spokesmen has been sadly felt in some previous disputes we have had.

What I feel is the greatest danger to and in trade unions to-day is a human fault by no means peculiar to this Colony—it is the fact that eloquence, intelligence and even common sense do not necessarily go hand-in-hand and I feel that if these trade unions are allowed to evolve gradually, preferably from bodies of the Whitley Council pattern of joint industrial councils and that type of body, where there is supervision and instruction and very careful watch over the conduct of affairs and the conduct of meetings; we shall evolve sound and intelligent and well-founded leaders and well-grounded trade unions. It will be of very great benefit to the country as those intelligent and sound leaders are very, very necessary to combat the man with the gift of the gab who can destroy so quickly that which has been so laboriously built up. What I am getting at is that I feel that the need is the hardy, slow-growing plant that can withstand hot air rather than the tender, forced stick of rhubarb in a drainpipe type of shoot that withers at the first hot blast.

Secondly, Sir, I would talk a little about African housing. I was very surprised, Sir, to hear the hon. African Representative Member, Mr. Oikonyo, say that he was disappointed in the standard of African housing. I have not seen the African housing in Nairobi but I wonder if the hon. Member has seen the African housing in Mombasa, Municipal, Railway, and Government, where

(Capt. Hamley)

I have had at times misgivings and wondered whether we were not setting perhaps too high a standard. I know that Mr. Creech Jones said to me on one occasion that he would be a very popular man if he could provide that standard of housing for his constituents in the Rhonda Valley. But the short point is, Sir, in these matters there is very little latitude. Practical economic rentals, cost of production, and standard are very rigidly tied in together. The net annual revenue from rentals governs capital cost of construction and that in its turn dictates the standard of housing that can be provided, and one cannot get away from that. The same principle applies to rent-free staff housing.

Lastly, Sir, I should just like to say how agreeably surprised I, as a newcomer, was at the state of progress of African education. The figures given by the hon. Director of Education in his fine, factual speech, were a revelation to me. Would that the progress could be faster; would that there was some educational pill or injection that we could provide that would shorten the process and perhaps save us the possibility of a generation or generations of voting papers depicting lions and locomotives and all that that implies; but there is not, and we have to plod along on the orthodox roads. But, Sir, I do hope that we shall use discretion in the choice of those roads; and that we shall regulate the traffic on them. For instance, I hope there is not going to be such a traffic on the high road that we shall be left with so many lawyers that they can only handle each other's bankruptcy proceedings or so many doctors that they can but treat each other for mal-nourishment. What I should like to see is a broad, straight highway leading to the creation of a deep stratum of craftsmen in African society. I know that something is being done in that direction already, but I would like to see, Sir, the trickle turn into a flood. I am very much of the opinion that many of the main planks in the British character have been laid by the British craftsmen and their Guilds, and I would much like to see the same sort of thing happening here. It must be very satisfactory indeed to be, say, an architect or even a humble carpenter—there have been many shining ornaments

to that trade—and to be able to say: "You see that door; I made it", I do think, Mr. Speaker, that when we have got a stratum of African society that can say: "Look at that; I made it" or "I helped to make it", that we shall not have to worry over much about the economy or the progress or the security of this Colony—and I hope the day soon arrives.

Mr. Speaker, I beg to support.

ADJOURNMENT

THE SPEAKER: The time has come for the interruption of business. Council will adjourn until 2.30 tomorrow, Wednesday, the 26th October.

Council adjourned at fifteen minutes past Six o'clock.

Wednesday, 26th October, 1955

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

[Mr. Speaker in the Chair]

PRAYERS

ORAL NOTICES OF MOTIONS

CENTRAL LEGISLATIVE ASSEMBLY— CONTINUANCE OF

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

WHEREAS Article 3 of the East African (High Commission) Orders in Council, 1947 to 1953; provides that Parts III and IV of that Order (which relate to the Central Legislative Assembly of the High Commission and to legislation and legislative procedure) shall continue in operation until 31st December, 1955, and shall then cease to have effect.

BE IT THEREFORE RESOLVED that this Council prays that Her Majesty be pleased to amend the said Orders in Council so as to provide for the continuance in operation of Parts III and IV of the said Orders for a further period of four years from 1st January, 1956.

EAST AFRICAN INDUSTRIAL LICENSING ORDINANCE, 1953—ADDITIONS TO FIRST SCHEDULE

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

His Excellency the Governor, having been advised by the East African Industrial Council that, in accordance with section 5 (2) of the East African Industrial Licensing Ordinance, 1953, the following item should be added to the First Schedule to the Ordinance, this Council, being mindful of the desirability of balanced industrial development, hereby RESOLVES that the First Schedule be amended accordingly, with effect from 1st November, 1955:—

Enamel hollow-ware, that is to say, basins, plates and domestic utensils made from ferrous or non-ferrous metal and having an enamel coating over the whole or the majority of the article.

ORAL ANSWER TO QUESTION

QUESTION No. 23

MR. COOKE asked the Minister for Works to state who is responsible for the proper condition of the approach roads to the Secretariat and Parliament Buildings?

Can steps be taken to lay bitumen on them?

THE MINISTER FOR WORKS: As far as the approach road to the Secretariat is concerned, it is presumed that the hon. Member for the Coast refers to Coronation Avenue, which is the responsibility of the Nairobi Municipality for maintenance. It is understood that the City Council has let a contract for the bituminization of this road.

On the other hand, the hon. Member may be referring to a stretch of road which was originally known as Third Avenue, and runs from Connaught Road past the temporary Treasury Building (now occupied by the police) to the new Secretariat. This road is the responsibility of the Public Works Department for maintenance and a sum of money has been provided in this year's Estimates to bring it up to a reasonable murrum standard. (It is not proposed to bituminize this road as it does not conform with the latest town plan and will eventually be abandoned.)

The reference to the approach road to Parliament Buildings is not understood as this road has a bitumen surface.

MR. COOKE: I was referring, Sir, to the road from Princess Elizabeth Avenue—as it were the back way to Parliament Buildings—which is in a complete state of disrepair and potholed.

THE MINISTER FOR WORKS: That road, Sir, is the responsibility of the Nairobi Municipality.

LT.-COL. GHERSIE: Mr. Speaker, arising out of that answer, Sir, would the Minister make any representation to the City Council to put it in order?

THE MINISTER FOR WORKS: That I will certainly do.

MR. AWORI: Arising out of the original reply, Sir, would the hon. Minister consider the question of the police—that whenever Council is in session, the road outside Parliament Buildings should be closed to all traffic as the noise—

THE SPEAKER: That is a question about a completely different subject.

MOTION

THANKS FOR EXPOSITION OF POLICY BY HIS EXCELLENCY THE GOVERNOR

Debate resumed.

Mr. RIDDOCH (Nominated Member): Mr. Speaker, before I begin, I should like to congratulate most warmly my hon. friend, Captain Hamley, on the most excellent Maiden Speech he made yesterday afternoon. Not only was that speech full of meat, dealing with subjects about which he has a great deal of intimate experience, but it was also delivered in a first class manner. I wish all speakers in this Council could be heard so clearly as he was yesterday afternoon. I am quite sure that everybody in this Chamber heard every word he said.

Mr. Speaker, Sir, throughout this debate, much has been said by various speakers on the basic importance of agriculture and all its forms to the economy of this country. While fully supporting all that has been said in that regard, I feel, however, it is timely that an equal emphasis should be given to our forest industry.

A number of speakers on the other side, have made reference to the forest extension scheme mentioned in the Communication from the Chair, but most of those references were in very general terms, perhaps with the exception of the hon. Member for Mau who did indulge in a good deal of criticism of the policy of the department, the Forestry Department, making out that it was too inflexible and urging that more attention should be given to the planting up of dry areas. Well, with the first part of his criticism—in that the policy of the Forest Department may be too inflexible—I would agree with him, and, indeed, everything should be done by that department to make the policy as flexible as possible. But, with regard to the planting up of dry areas, I would remind him that it is a question of first things first. We have actually vast areas in our forest estate consisting of excellent soil, excellent rainfall, capable of being planted with exotic timbers as well as the re-establishment of indigenous timber and I think, Sir, apart from any necessarily, urgent necessity, to preserve

the head waters of our rivers, and to prevent undue soil erosion, that we should concentrate first on building up our forest estate in a sense of exotic plantings within those areas which will give the best yields first of all.

Now, Sir, I feel that we should consider briefly what these forest programmes—development schemes—amount to and can I deal with the existing one? The existing extension scheme provides for the planting up of 6,000 acres per annum of exotic soft woods, until a rotation of 35 years or so has been arrived at. When that has been achieved it will mean that 6,000 acres will be felled and converted into timber annually and an equal number of acres planted up. It will also mean that provided we do not encounter any terrific catastrophe, that state of affairs—that rotation—can go on indefinitely. In terms of money, I have got figures which I think—I admit they are estimates, but I think they are reliable estimates which give an indication of the value of this area of 6,000 acres when it is felled. Now the value I do not put in terms of the value of the trees themselves as they stand on the ground, but the value of the product in sawn condition at f.o.r. at a railway station. That I think is the correct basis to make an estimation of the value of forests, as if we had not got any forest at all, we would have had to import timber and it would be imported in a sawn condition.

Well, Sir, on that basis, and on present day prices, the value of 6,000 acres of soft wood timber will be over £5,000,000 per annum and with the extension of this programme to double that quantity we would arrive at an annual value of between £10,000,000 and £11,000,000. Now, Sir, I think that these figures are telling and do indicate what an important asset we have got in our forests. Also, Sir, these figures do not take into account at all the value of the exploitation of our indigenous timbers, nor of any other income which the Forest Department may derive from one source or another.

It is, of course, highly important to realize that to enable a sale of this magnitude, which I have just indicated, to be brought about, we will have to find markets overseas in all probability. It

(Mr. Riddoch)

may be that East Africa may develop at such a rapid pace that we might be able to absorb all our home grown timber, but I think that is unlikely, and steps are being taken I do know now, and further steps will have to be taken, to find markets overseas for a large proportion of the products of our soft wood plantation. Of course the obvious markets are within the Indian Ocean, and I have no doubt that when we reach the stage when first-class quality timber can be marketed, that the finding of the markets will not be a difficult matter.

Having said that, Sir, I would like to turn to a very important aspect of this whole question, that is the financing of it. At the present time, the Forest Department is dependent on an annual vote given by this Council for a specific programme which may have to be altered from year to year according to what this Council is prepared to vote. Now, Sir, that is not a satisfactory state of affairs when one considers that with the progress of a development programme of this kind of nature extending over very many years with the objective of arriving at a specific rotation, it is of the highest importance that adequate finance should be forthcoming year after year.

In this connexion, Sir, I would like to refer to the forest fund. Some two years ago I think I am correct in stating that Government did agree to establish such a fund. I forget its exact amount, but it was something in the neighbourhood of £500,000 or £700,000, I believe. However, so far nothing has been done to establish this fund. I am well aware of course that the Emergency is the cause of this grave omission, but I would ask our hon. Minister for Finance to do all he can as soon as possible to establish this fund. Its importance, Sir, lies in the fact that should we, as a country, run into a period of depression, it is so necessary to try and cushion that depression by ensuring that at least our planting programme will proceed without interruption.

One other point, Sir, in connexion with our forest extension scheme—I mean the new one, the extension of a further 6,000 acres per annum, it was stated in the Communication from the Chair that part of the purpose of this scheme was to

provide employment for 5,000 families. I think that is how it was described in the Communication, but I imagine, as I am sure everyone else will do so, that it is visualized to employ mainly Kikuyu families, and Kikuyu families which have been considered suitable to be employed in such a manner. I know that grave doubts have been expressed by various Members as to the advisability of employing such large numbers in the forest estate, especially bearing in mind the immense amount of trouble which was encountered amongst forest squatters in the past and that *Mau Mau* found many of their recruits from among such people. But, Sir, the rehabilitation of so many of the Kikuyu tribe which have been detained for some reason or other, is surely of the utmost and urgent importance. Provided that these 5,000 families can be properly screened and proved to be safe enough, I do not think there can be any better project in which to employ them than in this forest extension scheme. Our forest estate is of the utmost importance to this country and is going to be one of the best revenue producing elements that we have got.

I beg to move, Sir,

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES: (Applause.)

Mr. Speaker, Sir, a number of Members have referred to particular aspects of forestry and I should like particularly to thank the last speaker, my hon. friend the Nominated Member, Mr. Riddoch, for his contribution on the subject. He is, as most Members will probably know, a member of the Forestry Advisory Committee and it is probable that at this stage he knows more about what is going on in the forests than I have yet had the opportunity to discover.

I should like to say how much I welcome all that he said and would like to make reference to some particular points that he made together with some of those that were made by other hon. Members on the other side and particularly the Member for Mau.

Now the first point I think that arose was this question of the afforestation of dry areas. Now that, Sir, as has been pointed out by my friend Mr. Riddoch is a rather difficult problem and it is a question of whether such work is

[The Minister for Forest Development, Game and Fisheries] going to prove equally economical with other afforestation projects. Yet it is most desirable, of course, that some of the drier areas be afforested and, in fact, I should mention that Government is carrying out fairly extensive forest station schemes in certain native areas, particularly in the Machakos District, in the Telta Hills and in Kitui, out of funds supplied under the Swynnerton Plan. Moreover, there is also work of the kind going on in Masai areas and areas there are being protected, and in the same way in certain other areas.

In the Northern Frontier Province we are endeavouring to protect certain of the hill areas up there and they are now being surveyed and demarcated and it is hoped that they will soon be gazetted, but, for full protection of course, we shall require more funds than we have available at present.

My hon. friend, the Nominated Member, then went on to talk about the planting plan and the amount of revenue that this could produce in the future. I will not refer to his figures any more than to say that I think they represent correctly what might be the position, though, personally, I would rather have reckoned what we are going to get in the future in terms of a bulk of timber than the actual value. Whatever we may think, or hope, it is quite probable that prices in 20 years' time will not be on the same level that they are now. But, based on existing prices, I think my hon. friend was correct in his calculations.

He then, Sir, referred to the question of finance, and pointed out that he was not very satisfied in connexion with the forest replanting fund. Perhaps I may recall to hon. Members what in fact happened. That fund was recommended by the Hiley Commission. The Government was not able, in the White Paper on the Hiley Commission, to accept the scheme as it was there put forward. However, Government did subsequently accept that there should be a Reserve Forest Fund of not more than £500,000 and that it should be started off by the balance of the sums available for forestry in D.A.R.A. together with the replanting fund. Unfortunately, things did not work out that way and both those funds—the balances of those two

funds—have already had to be used in the main for planting. Some of the D.A.R.A. fund is carrying on for the future and there have been no funds available from profits owing to the Emergency during the past year or two to build up that fund, so that in fact there is little to start it with and nothing to support it at the moment. In spite of that, however, I strongly support my hon. friend's recommendation that that fund should be established at the earliest possible moment.

Now, Sir, another matter that the hon. Member for Mau raised was the question of encouragement of the pulp industry. Now, Sir, it is Government's policy to encourage such an industry. The present position was stated fairly fully by my predecessor in reply to a question which was asked in this Council in April, and he then stated that the necessary raw materials and water were available in an area compact enough to establish a plant, and that it was then necessary for further technical investigation to be made. Government had asked for the comments of the Colonial Office and in particular had asked for an expert to come and examine particulars aspects of that scheme. The Minister then promised that he would reconstitute the committee which had considered the matter and that has in fact been done. The committee has held further meetings and it has again suggested that we must have an expert on the subject to examine the whole question from the point of view, particularly, of the size of the plant that is going to be most economical for the conditions of this country. I would only say further that we shall endeavour to press forward with this as fast as we can.

Now, Sir, my hon. friend the Nominated Member, Mr. Riddoch, referred to the extension scheme in connexion with providing employment for 5,000 Kikuyu families, and pointed out that he considered that this was a sound proposition provided that those families are properly organized, properly administered and controlled.

Now, Sir, there has been a good deal of discussion, from time to time, on this question of the use of squatters in the forest and I will not detain Council by setting forward all the arguments there are on the subject, but I would

[The Minister for Forest Development, Game and Fisheries] just like to say this, that it seems to me that from every aspect—the economic aspect and the control aspect and generally the question of employment—that the squatter system, if we must call it by that name, is likely to be the most satisfactory for use in the forest. To my mind, there can be no question but that it must be easier to control squatters who have a definite interest in a certain area of land than it is to control an equivalent number of people who are taken on on monthly tickets, or as casual labour. In the first case you have people who have something to lose and to whom the "sack" means something, and, in the second, you have people who have little to lose except their ordinary wages.

I do believe, Sir, that we have to plan our forest planting policy on that squatter system.

Now, Sir, I would like to turn to a few questions raised by my hon. friend, the Member for Mombasa on the subject of fish. Here again, Sir, I am talking to somebody who probably knows more about this subject than I yet do myself in that he is, I am quite sure, well cognisant of what is going on and has been done, but I welcome the opportunity that he has given me for mentioning some of the work that is going on, to Council to-day. Now, Sir, he suggested that there was not very much work actually being done and up to a point that is true. We have been woefully short of staff to do any work down there and the fact that we have achieved something in the last year or two is only owing to the fact that we have been able to transfer two biologists from the Fisheries Research Station at Sagana to the Coast, owing to the Emergency. But those biologists have done two useful pieces of work down at the Coast during that period. The first is the work on the regeneration of oysters. The result has been published and they have arrived at a satisfactory method of re-establishing, we hope, the oyster fisheries. They were being badly worked out. I am not going into further details.

The second piece of work that they have been at is the question of research into the mango crab to try to find a

method of determining before they are marketed which are the soft and which are the hard-clawed ones. In addition to that work there has been a considerable effort put into attempts to develop the inshore fisheries and money has been spent on the introduction of nylon nets and lines and things of that kind and, as a result of that work, the shark catch in certain areas has gone up in a matter of two years by nearly ten times. The general catch of inshore fish has also risen over the last eight years from 3,000 tons to over 5,000 tons. As I expect many hon. Members have read in various reports of the Game Department, the major difficulty appears to be not so much to catch the fish but to market them and it is on the marketing of fish that we have not come to any satisfactory arrangement. There is no adequate storage, there is no adequate distribution, but I believe that if there were we could very quickly and easily increase the supplies of fish to this country very considerably.

The Department has also been experimenting with a motor fishing-boat which it appears might well suit the African fishermen on the Coast. We have also now entered into an arrangement with a South African firm whereby they have sent up personnel and a good deal of equipment and we have lent them the *Menka*, our fishing-boat, and they are going to experiment over the next six months or so on deep-sea fishing. That will, of course, not cut across our own present fishing industry which takes place nearer in the shore, but it may well be that something really of value to the country can be developed in this way and this firm is one which has very considerable financial resources and knowledge and I have no doubt that if they are satisfied with the way things go with their fishing experiments they may well organize the marketing of fish, in which organization the existing fishing interests will be able to share.

I have already pointed out that we are in great difficulties with staff for this kind of work. We normally have two Assistant Fish Wardens, one of those has just now been taken for two years' military duty and we shall be left with one. While I am referring to staff, Sir, I should like to wish Mr. Van Someren well in his future work. He has

[The Minister for Forest Development, Game and Fisheries] has been with us for eight years and has done most valuable work for our fisheries both inland and at the Coast and we are extremely sorry that we are going to lose him.

Sir, I beg to support.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Speaker, I am pleased to see the hon. Member for Aberdare now entering the Chamber because upon his head is largely going to fall what I am going to say about the policy in agriculture. When speaking he did say he hoped that future speakers on this side of the Council would give an indication of policy where it was not in the speech. I should, perhaps, accept some of the responsibility for so little being in the Motion which we are debating, on agriculture, but I felt that at the last Session of Council we passed the Agriculture Ordinance and also debated, previous to that, the Swynnerton Plan, and both really did lay down a policy and a plan for the development of agriculture for the future upon which we are working.

The Agriculture Bill really laid down conservation, development, stability in price and marketing and I would like to say this, Sir, that the committees under that Bill have now been elected and the new organization is beginning to function and I shall shortly be inaugurating the new Board of Agriculture.

In regard to development, the committees are working on the first Development Orders and I am now undertaking reviews in regard to the price structures of those agricultural products which come under the Bill.

I would like to say, Sir, at this point that it is not possible for us to prevent the impact of events overseas affecting the price structure of our own industry; I want to take this opportunity of warning Members of the Council that under our guaranteed price system on the methods which we are now using, we are affected by changes overseas in such overseas matters as industrial wages and the cost of production and, if the price of agricultural machinery, freight rates,

fertilizers, bags, twine, etc., rises, then we cannot prevent corresponding changes in the agricultural price structure of this country.

The Swynnerton Plan is at the present moment ahead of schedule and I would like to record that because it has been only running for a short time and it is a tribute to the officers of the Agricultural Department and Veterinary Services who have managed to get such a great momentum on that plan. I do attach the greatest importance to the Swynnerton Plan because unless we can produce from the African areas very considerable wealth we will not, I think, be able to meet the services which the African people themselves want.

Sir, in regard to farm planning, Members might be interested to know that I hope shortly we shall be able to lay before them certain figures which show the benefit of this service and it is being very well received indeed especially in the African areas. There is a great deal of farm planning in the European areas where it was initiated, but there are one or two individual African farms in North Nyanza with an income of around £300 a year from smallholdings which have been entirely developed really through the use of the farm planning scheme. We have also made considerable strides recently in experiments on the application of fertilizers in Nyanza and that is important because I think it will raise the yield for African farming and thus the profitability. We are also setting up now a horticultural research station at Thika, where the problems of such industries as the pineapple industry will be examined. Members may be interested to know that we have set up a committee with a view to examining how best to control industries such as the pineapple industry, especially in regard to quality and the relations between the canning factories and the growers, and I hope that it will report and possibly we may find some permanent form of organization to that purpose.

But, Sir, over the last few years the output of the industry has risen really from practically nothing to £600,000 a year. I think it is rather fascinating to see how an industry in this country springs up and grows so rapidly.

[The Minister for Agriculture, Animal Husbandry and Water Resources]

The usual soil conservation is going on to the limit of the financial resources available to us and I am pleased to record one thing; there is a most tremendous interest in all the African areas in survey and consolidation of land units. I do not really believe that we shall advance very much in African agriculture until we can get these surveys and registration of titles and the consolidation of land units. We shall be bringing before Council shortly a Seeds Bill which will be designed to protect the unwary from the unscrupulous in the way of bad seeds. We have also one rather interesting thing, Sir, apart from the irrigation schemes already mentioned, I refer to Mwea-Tabere and Perverra in the Baringo area. We have got consulting engineers, Sir Alexander Gibb and Partners, in Nyanza, where it is possible that very considerable development and irrigation may be possible.

That really covers, I think, much of the policy of agriculture over the next year and ensuing years.

There are one or two small points to which I would like to refer. The new Scott Laboratories are now functioning and that will greatly facilitate our outlook on research, and we have also, a very good thing this, had a very marked improvement in the recruitment of staff. No Ministry can advance really without the technical staff to further the plans and I am happy to say that one of the bottlenecks we had there has been widened.

Sir, to deal with particular points raised by Members. I rather have taken the point raised by the hon. Member for Mount Kenya, that there was nothing much about European agriculture; I tried to deal with that by giving him an indication of what is going on and much the same applies to the hon. Member for Mau.

The first really specific point raised was by the hon. African Representative Member, Mr. Mathu, who did look at me very fiercely over two things and I hope I will be able to satisfy him.

The first was the number of African coffee growers; he said 10,000 in Meru,

and the amount of trees that they were growing. I hope that this will lay for ever this bogey of his about the 100 trees which I have heard in this Council both when I was on that side and when I was on this side in another capacity. The only consideration is really that the only restrictions on the planting of a crop such as coffee are general restrictions such as these: the necessity for maintaining good husbandry and that the allocations as between growers of available trees and plants is fair and that the food supplies of the area are reasonably maintained. Those are the points which we would regard in making allocations; and I took out certain figures for him which will interest him. In Meru there are 10,784 growers; they have 1,705,248 trees unless, of course, any have died in the last two or three days, which comprise a total acreage of 3,174. Now, Sir, that, on a very rough calculation, will show the hon. Member that the average grower has got 170 trees, so I hope 100 trees will not be raised again from the other side of the Council.

If we take, Sir, all the coffee planted in the Central Province, we will find a total of over 24,000 growers with a total of 4,000,000 trees. Again, if we do a division we shall find that that is about 160-odd trees per grower. So on all counts I think we might reasonably bury the 100 trees.

The second point, Sir, the hon. Member raised was on the question of the African Parliamentary Secretary, and I must confess that I thought, Sir, he was slightly playing politics on that. We did consider an African representative who would be suitable to be a Parliamentary Secretary; he was not in this country, he did not return until about 10th October and the hon. Member did not know this, but he, the African concerned, did write to me and say that he would not wish to be a Parliamentary Secretary. I only received that letter the day before the hon. Member spoke. So really I have not a great deal of time to make any alternative arrangements. I would like to quote what the African Member said, Sir. He said that he would far prefer to be out in the fresh air doing a decent job on the land in the district of his people than the implication, possibly, of having to sit in Nairobi. I must confess,

[The Minister for Agriculture, Animal Husbandry and Water Resources] Sir, I have a certain amount of sympathy with his sentiments.

The other thing, Sir, I just wanted to say on the speech of the hon. Member for African Representative Interests, Mr. Mathu, was this. The hon. Member did say that all races were here to stay and I thought that was a notable saying and I would like to congratulate him on it, because I think it is very difficult for moderates to-day to stand up against extremists, the extremists' point of view is so much easier and I think that when somebody has the courage to make a statement like that, at least some notice should be made of that.

The hon. Member for Ukamba mentioned the matter which does affect me slightly as Minister for Agriculture but affects me very much in my more controversial former appointment, and that is the return of Kikuyu to the Rift Valley, which was also touched on by the hon. Member for Aberdare, and I would say this, Sir, it is the intention of Government that that return shall be properly controlled. The hon. Member for Aberdare will agree with me that he and I have discussed on many occasions the possibility of the return of Kikuyu, for instance, into the Naivasha district and we have resolutely opposed any suggestions of that sort on security grounds—and I think in the light of events that we were very wise. He mentioned, Sir, the mistake which occurred in the Rift Valley and we agree with him that there was an error, but I think the important point is that as soon as that came to light all that particular movement was stopped and the matter was dealt with correctly. The return of Kikuyu to which the hon. Member for Ukamba referred are really only certain small experimental schemes. I would like to stress something because I think we have got to accept that it is quite impossible to isolate the development and economy of this country eventually from the Kikuyu people. Therefore, everybody in this Council has got an interest in solving the problem of how we can turn their energies to productive rather than to destructive use.

Sir, certain various points raised by hon. Members opposite have already

been answered and I only want really to tell the hon. Non-Muslim Member, for the Western Area—that I will certainly do my best to encourage and support Asian agriculture.

The hon. Member for Nyanza asked, Sir, whether we had any large-scale tea schemes with detainees. I am not sure about the detainees side of it, but we certainly have two major schemes which are really ready for development, and now being developed in the Nyeri area centred around a co-operative tea factory; one is in the Mathira division and the other is in the Othaya area.

Just a word, Sir, arising out of what the hon. Member for Aberdare said about the necessity for economy. I think everyone on this side of the Council would agree with him, but I would like to make it clear that I certainly could not run my Ministry without adequate financial resources. I can assure hon. Members I will do my utmost to make sure that it is economically run, but, quite frankly I do think there is a great deal of this cry for economy, and although it is correct and attractive to Members opposite, it is nevertheless very, very difficult in an expanding country. It is really the difference between economy and the use of expenditure, the wise allocation and efficient use of money and that general expansion of development in a growing country. Now, Sir, the culprits really, in many ways, are not hon. Members on this side of the Council; they are the shining representatives of the people opposite, amongst whom, I must include myself. The whole time demands are coming up for new services. I will tell hon. Members numerous request come to the Ministry, daily, all demanding new services, new ideas, new developments and all that has got to be serviced somehow by money. What I would say, Sir, is this: that the Government is very well aware that too high a taxation structure must stifle the development of this country and, in particular, I think this will please the hon. Member for Mau, the agricultural industry. In that regard I am in deepest sympathy with him but on the other hand I must point out that the services demanded of us can only be met in some form or other by financial nourishment.

[The Minister for Agriculture, Animal Husbandry and Water Resources]

Sir, the hon. Member for African Interests, Mr. Arap. Moi, I must congratulate him on his maiden speech, and I would also like to say, Sir, how pleased I am that there is another Member representative of the Rift Valley in this Council; it can only add to its sanity, moderation and good sense. He raised the question of the development of South Baringo. I do not want to deal with it in detail; we have had a scheme going there; it has not been too successful and I am going to go down there and look at it with the advisers on this scheme and if the hon. Member would like to come with me and the hon. Member for Mau, I shall be only too pleased to go together. The point I would like to draw, Sir, out of these remarks is this. The problem of an area such as Baringo and many of the African areas is the problem of how can we turn the yearly increase of cattle to profitable use. There are in the African areas alone 7,000,000 head of cattle and if we could only start out from those areas, a proper annual flow of good animals, the result and benefit to the African would be enormous.

Now, Sir, that cuts across many tribal ideas and many African beliefs. I think it is a major task that we have got to tackle more strenuously than we have in the past if much of our development money in those areas is not to be wasted; and I would hope, Sir, to have the very strong support of the African Members themselves in educating African public opinion to the fact that we can have really an excellent form of income in cattle as opposed to what they now regard very often merely as beauty for the eye.

MR.—MATHU: Is the hon. Minister aware that the Thika Factory of the Kenya Meat Commission refused to take cattle when the Africans were offering them?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Well, Sir, that will be rectified in June and July next year when the new Canning Factory will be opened, and I am anxious to set in motion now the administrative steps so that the flow

of cattle through to that factory can go unimpeded. Sir, this is rather like the 100 coffee trees. I feel the hon. Member is a bit tilting at windmills in the past—(interjection by MR. MATHU.)—Well, Sir, I was merely asking when we deal with the problem that I shall have the support of the African Members and I can see from the Member's co-operative action, I am obviously going to get it.

Sir, I do not really think anything else was raised on agriculture except the hon. Member for African Interests, Mr. Awori, raised certain problems about cotton. Now I would just like to say this. Any time he would like to go to the Kibos Experimental Station, we shall be only too pleased to arrange it. There are there for cotton alone two officers employed full time on pests and diseases, but the area for expansion of cotton in Nyanza is very limited. It has more than its fair share of disease and other limitations and, of course, the yield from that does not really compare very favourably with certain other cash crops, such as groundnuts, rice or even maize. Those are really the limiting factors on coffee.

Now, Sir, I do not think I will say anything more on agriculture. I just would like to end by saying this. It is no credit to me, any of the development which has now taken place in agriculture. I think that the agriculture industry is healthy despite setbacks in certain areas due to the Emergency; the production in most crops is rising and the returns from agriculture are improving.

Well, Sir, most of the credit for that is due, if I may say so, Sir, to yourself and to the staff who served under you for so many years.

MR. COOKE: Mr. Speaker, Sir, like other Members on this side of the Council I am disappointed that there were not more references to matters which are vexing this country. Such matters, for instance, as have been referred to my hon. friend who has just sat down, the need for economy and also this question of inflation. Now with regard to economies, I do not take the view of my hon. friend who has just spoken that the fault lies largely on this

[Mr. Cooke]

side of the Council, because economies can be effected in a great many directions, not necessarily economies in spending and the direct expenditure of money, but economies in personnel.

Now it was this time last year that I drew the attention of my hon. friend, the Minister for Finance, to what I considered, and still consider, the lack of economy in the Government offices in this country, in so far as a custom seems almost to have been established that workers and clerks and others in the Secretariat and in the other big offices in Nairobi, seem to leave their work long before they should.

My hon. friend, the Member for Nairobi North, and I, a few months ago were passing the Secretariat and we saw issuing from—I used to call them gloomy portals but they are not so gloomy to-day, this new Secretariat—but issuing from those quarters, we saw a large number of clerks at about twenty minutes to one, and, when I was sitting at a Wages Council the other day on the ground floor of the Secretariat, at about the same time there was such a noise of the shuffling of cars and the moving of chairs, the rush taking place from the Secretariat, that we could hardly continue our meeting. I have always been one of those who has thoroughly supported the Civil Service, perhaps because I am an old civil servant myself, strongly supported their salary rises, both in the Lidbury and the Holmes Report, envisaged by those two Reports. But what I think is implicit in those Reports, and it was certainly laid down by the Civil Service Association, of which I was very much in touch, that they regard it as a *sine qua non* that for these rises in salaries there should be a better return in the way of work. Now I am not saying that 100 per cent of Government employees behave like this, but too large a number do.

Only yesterday morning I was reading what I said last year when I drew the attention of my hon. friend, the Minister for Finance, to this matter and the Minister for Finance did not even touch on it in his reply nor did my hon. friend, the Acting Chief Secretary. I do hope they give some assurance this morning

that something is being done in this matter, because not only are we losing—if you add it up over a year—many, many hours of service, but it must be an extremely bad example, especially to the emerging African, to see this kind of thing going on at Government headquarters.

Now, last May I drew the attention of my hon. friend once more to these things and I also said that I had been informed by a very senior Government official that one department in this country was greatly over-staffed and I told my hon. friend, from where I am standing now, that I would be very glad to give him the name of my informant; but to date he has never even replied. It surely makes one feel that he is not aware, as he should be of—I will not say the extreme gravity—but the gravity of this matter. He talked to us the other day about "candle ends" and, I think, "chicken feed" and so on; but I do say, Sir, that all these things, small as they may be, in an aggregate are of great importance to the economic running of this country.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Sir, I agree I used the term "candle ends" but I would, Sir, like the hon. Member to tell me when I used the term "chicken feed".

MR. COOKE: Well, I withdraw that.

Now, with regard to inflation, everyone seems to be talking, including the Chancellor of the Exchequer, Mr. Butler, about inflation except my hon. friend, the Minister for Finance. Well, he may be really much more perturbed than he pretends, for "time writes no wrinkles on his azure brow". He looks quite happy about it all, but some of us are not quite so happy. And we do feel that the hon. gentleman should give us, as soon as possible, and not wait until January or next February, when he has promised the report on the cost of living—puts it on the Table—or rather Government's recommendations as regards that report. I think before that we should be told of what he intends to do. Did he get any directive, for instance, when he was at home from the Treasury as to any measures or steps he should take here with regard to inflation? It always has appeared to me—you may regard it as my "King Charles's

[Mr. Cooke]

Head"—inflation always appears to me as one of the most important problems of this country, and yet time after time it is pigeon-holed and shelved.

It is now over two years since Mr. Leslie presented his report and, as we know, it has not even been considered yet. Well, I think that is a margin of time which is too large to allow for the consideration of these very important questions. I think in this respect the fault lies to a certain extent on this side of Council, in that I think the farming element on this side of Council do not realize how inflation is going to hit them before very long, because their production—their cost of production of farming products is going up, and it inevitably will as the cost of living goes up—the price of this, that and the other thing in a highly competitive outside market—and they will find themselves pretty soon in a squeeze, and I think that they have from year to year not considered, or given enough consideration to this matter. Wages are going up—the price of instruments is going up—the price of food is going up and the price of labour is going up—and they will have to be charging higher prices in, as I said, a competitive market and against what I call a buyers' market. I do think the time will come when they will have to think seriously about this matter.

It is not only a townsman's problem but a countryman's problem. My hon. friend, I know, would like me to give him some suggestions—what I should do if I was on the other side of Council. Well, I certainly would follow a good deal of what Mr. Butler is doing and have a financial squeeze—a money credit squeeze—and I would certainly make it much less easy for people to borrow money from the banks in this country. I would have a considerable cutting down on luxury goods here. All the shops in Nairobi and Mombasa—the windows are simply full of luxury goods which would do credit to Bond Street in London or Eloff Street in Johannesburg—and I think—my hon. friend, the Member for Aberdare, very rightly, dealt with this subject as well—that it is time we thought seriously about this matter and saw that this luxury expenditure which is going on is curtailed.

Of course the Lidbury Report was to a great extent responsible for putting a lot of money into the hands of people, and I was surprised at the time that my hon. friend—he may have done so, but I did not see any circular sent out to those recipients of retroactive pay as to how they should possibly use that money, but I have seen that his Number 1, 2, 3 or 4—Mr. Butter—in an article to the *Economic Journal* has rather hinted that Government made a mistake in not having frozen that money to a certain extent by means of some kind of savings certificates or otherwise. But a lot of this money was injected suddenly into the economics of the country, and naturally had a rapid inflationary effect. It is, of course, one of the reasons—only one—I do not say it is the main reason—of unrest that from time to time affects this country—strikes and so on. It is the sudden rise in price of food-stuffs and of other stuff and wages naturally inevitably lag behind a rise in prices.

I was a little bit—was not very impressed by the rather smug speech by my hon. friend, the Minister without Portfolio. Indeed, he was a little bit unctuous. He took the line that the Kikuyu deserved everything they were getting, and that really they brought it on themselves. Well, of course, that was said, Sir, 50 years ago when the concentration camps in South Africa were erected and the Boer women and children were put inside. It was then said they brought it on themselves, but that does not prevent hatred, bitterness and ill-feeling arising from those people against those who put them inside, and that is the aspect of the matter which concerns me—at any rate more than any other. It is bound to when you see women and children starving—as a great many of the Kikuyu are. It is bound to have a very bad effect, and a lasting effect, on those people, and I do—although I know I am not quite in line with my hon. friend, the Member for Aberdare, or my hon. friend, the Member for Mount Kenya, with whom I profoundly agree in most things—but I would like to see a quickening up of the return of as many of these people as possible—as quickly as possible—to the farms.

[Mr. Cooke]

I believe that is where the right rehabilitation will take place—and the only rehabilitation worthwhile. I used the expression—if I may use it in this Council—two years ago “To hell with psychology” when they were trying these experiments in Athi River, and I got into trouble with the bishops over it. But I have been proved, I think, to be right in that now, after a very gallant effort, I must say, and a very courageous effort by the officers in charge at Athi River, it has been proved really on the whole—if I may use the expression—to be a “washout”; and I believe the true rehabilitation of the Kikuyu must take place on the farms, and I believe the sooner it is done the better, and it is going to save us a lot of money which we are expending at the present moment on these camps.

Now, I would ask my hon. friends on this side of Council to consider this—especially them—but you cannot have it both ways. If you are going to spend these enormous sums of money in keeping these thousands of people unemployed, then taxation must go up, and there is no getting away from that—it would go up beyond anything I think we can conceive of at the moment, because Great Britain—and one cannot blame them for it—will very soon, I imagine, be telling us to pull up our socks, and will be refusing those generous aids she has been contributing so long—at any rate, no one would blame her for doing so. So the sooner we put our house in order in that respect the better.

I know on the South-Kinangop there was a meeting about six months ago where the farmers very strongly urged that these—picked people at any rate—should be sent back to the farms as quickly as possible, and there is going to be another meeting in ten days' time, and I rather fancy that the same request will be made. I know my hon. friend, the Minister for African Affairs, with whose speech the other day I profoundly agreed—and I must say I thought it was most forthright and the best speech of the day—and he and I entirely agree on this matter at any rate—the sooner we can get away from these concentration camps—and that is all they are—the better, with every reasonable regard, of

course, to safety. He and I have had it out about villagization, and I was glad of the assurance he gave about villagization. He says that the matter must be kept elastic, and I think he is quite right there.

My hon. friend, the Minister for Defence, had a small hit at—rather a sarcastic one—at my hon. friend, the Member for Mount Kenya, when he said that he would give him the credit for inventing this villagization but, as a matter of fact, my hon. friend said they were a relic from old Roman days, so he did not take it upon himself the credit that he had invented them—thought first of this villagization. As a matter of fact—I do not want to go off the subject too much—but villagization was suggested by the post-war African Employment Committee in its report twelve or thirteen years ago, and the matter was very clearly gone into, and they thought that it would be an inevitable result in this country—but at that time at any rate—it could not be forced. At that time as the report envisaged, the village would be more a place where people can go—where the village church and village chapel, or whatever it may be—a cinematograph, a blacksmith's shop—clustered round as does village life in England. But I do not think an African can farm his land from a village, any more than my hon. friend, the Minister for Agriculture—he is not here at the moment—can farm his Subukia land and live in Nakuru at the same time. The proper place for the peasants is on farms—both to be there when an emergency arises and to keep away from what does so much damage to their land.

My hon. friend, the Minister without Portfolio, said in his denunciation of the Kikuyu—he said that they should have thought before they entered into this brawl, or rebellion—as he called it. I am very glad he used that word “rebellion”, though as a Government Member on the other side I suppose he should not have used it as he has to accept the Government policy in that matter—but the fact of the matter is that thousands of Kikuyu were so badly protected by Government at that time that they willingly had to join the rebels. What sort of reward did Mr. Ofata get when he most courageously opposed the *Mau*

[Mr. Cooke]

Mau in Nairobi—and many others—and if the Kikuyu had been properly protected, and if they had not been turned off, as they were turned off scurvily from many farms in this country, a great many of them would have been brave enough possibly to have resisted this *Mau Mau* outrage. I do not, therefore, for that reason, agree with my hon. friend that they only have themselves to blame. I think they have got Government to blame quite a bit as well. Nor did Government in those days take notice of the advice which we, time after time, gave on this side of the Council—and of which you have been reminded by speeches last week—to take certain action, which Government has taken now—again too little and too late.

I was only reading yesterday words which I used three years ago at a law and order meeting, in which I said that every Kikuyu in those proclaimed areas should be shot at sight. Well, Sir, of course they are doing that now. If we had done it then, it might have been a little better. It was regarded—the Commissioner of Police was horrified at my suggestion, and said that never, so long as he held the important office as Commissioner of Police, would such a policy be followed, but of course inevitably it has been followed in the end, and if we had followed this and other policies I think that there would not be so much mud thrown at the decent, loyal Kikuyu to-day.

I would say this, Sir, that two categories of the Kikuyu have been referred to—one is of those who have been sent to detention camps; and the others who are in prison—but I suggest there is a third and very important category, and that is the Kikuyu who was sent away from his work in places like Nairobi and Nakuru, and other places—sent back to the reserves, where there was not a case against him—he was not detained, never put on a charge—it was just brought against him—and even the children had to go back to overcrowded reserves where some of them are literally, I am told, starving to-day. I am personally feeding one man—I just mention this as a matter of fact—with a wife and several children, who was a driver at the Nairobi Club, and is now living at starvation level. Well, I think the sooner a man like that

can be employed the better. I myself offered him employment, which I was told a Kikuyu would not be allowed—he would not be allowed outside Nairobi, and there he was. Of course, the economy of this country suffers as well. You have these people, many of whom were very good citizens, who are virtually unemployed, and cannot contribute to the essential economy of this country. I do ask Government to do what it can to hasten this matter. I have no fears myself in the matter. I believe that, like the Matabele, the Kikuyu will go back to work, like the Matabele did sixty or seventy years ago, having done far more damage in those years than the Kikuyu or *Mau Mau* have done—and we have never heard a word about them since they returned peacefully to the farms and became good citizens, and I believe that is the right and correct attitude to adopt.

It is funny that I, Sir, on this side of Council, who am not a multi-racialist, should be urging these so-called multi-racialists on the other side of Council to adopt this policy. I think that people are perhaps beginning to realize that some of those who were not stampeded last year by the Lyttelton Plan—in the end they are the best friends of the Africans and Asians that this country possesses. It is not always popular to speak one's mind—but in the end such people are possibly respected more.

AN HON. MEMBER: It depends on the mind!

MR. COOKE: I should like to speak on the matter of farmers' losses, if I may, which my hon. friend, the Member for Aberdare, raised. I would like to reinforce his plea that something should be done to compensate these farmers, many of whom were only about getting into their stride when the rebellion came. Not like my hon. friend, the Minister for Agriculture, or my hon. friend, the Minister without Portfolio, who were already established farmers. Naturally they did not lose very much; if they lost anything, but—as my hon. friend said—some farmers are too proud—but I am not too proud—to tell you exactly what my experience has been—to give you one example from many others. The farm that I have—a very small farm—has depreciated 50 per cent in value—it

[Mr. Cooke] is worth only £2,500 instead of £5,000—and in the last three years I have been running it at a considerable loss. Instead of making £300 or £400 a year, so far in effect I—and many others—are £4,000 or £5,000 down on this rebellion. I think very few people realize that, and it is a matter that something should be done about. Fortunately, I happen to have a certain amount of pension and private means, so I can carry on, but other people just cannot. I do make this suggestion, Sir, because I know that my hon. friend likes me to make constructive suggestions, that is suggestions which coincide with his outlook! I should like to make this constructive suggestion that when Mackinnon Road, which is being dismantled pretty soon, and especially when Manyani is dismantled—in that camp there must be something getting on for nearly a million pounds worth of valuable material, such as corrugated iron sheeting, piping, wire, and so on, and I do suggest that all that material should be sold at cost price, or at whatever is a reasonable price, to the European and the African farmers who have suffered. That would get over any direct payment of money to them which, I know, is a great practical difficulty. If that could be done, either through the Kenya Farmers' Association or through the various production boards and African District Councils, I think it would be a good thing. Otherwise, Sir, that material will be bought up by the middleman in Kenya, and sold to the farmers at double the price. Government would not lose anything by my suggested transaction, and might gain a good deal of gratitude from the farmers concerned.

It has been noticed by some of us—the absence in the address of any mention of the Arabs, a loyal, intelligent and co-operative people. I think it is about time that the country realized what it does owe to the Arabs, and that it is time they realized the difficult position that might easily develop in Kenya if the Arabs were not quite so sweet as they are to-day. We have only to glance at the Arab world to see a lot of things—troublesome things—happening, and I suggest it is not only a matter of ethics, but of expediency, that we see that the Arabs are treated with that recognition which, after many centuries in this

country, they deserve. My hon. friend, the Minister for Local Government, Health and Housing, and I have talked about it. There is a scheme, for instance, at Changamwe, of pooling a number of Arab farms and then redistributing them. Well, that is a matter which must be treated with the greatest of care. I believe a pooling scheme would be of great advantage to those people who live there but, unless their consent is formally given, it will be nothing short of confiscation, and that is a small thing which grows and grows until it becomes a really big grievance. However, I am quite satisfied now that what my hon. friend has said—and I hope he will reassure me when he gets up—that he will go into this matter and see that unless there is unanimous consent—that this matter will not be pursued. I think he has made a very good choice of the person he has appointed to run the scheme. I think a person of his dynamic qualities—Major Buxton—will make it a success, if any body will, but he must be certain that it is wanted by the people.

Sir, there are one or two small points, and one is about trades unions. Now, I must say I thought the speech of my hon. friend, the Minister for Labour, was a most courageous and a very forthright speech as well, and I was very glad, being an old Government servant, to see a man speak out as he did—speak out about this trades union matter—and he made it perfectly plain that it is a Government policy, and we must do our best to make it a success. I do not believe there is any good at all in having slanging matches with Tom Mboya or Jim—whoever he is—I forget his name—is it Bury? Because it does no good whatsoever. They have come here to stay. I have met both the gentlemen several times and personally I think they are reasonable people—at any rate, no good will be done by criticizing them so adversely, as I have heard them criticized outside this Council—and sometimes rather severely inside this Council. If Mboya and his friend are determined to upset labour conditions in this country, the fact that they are being spoken about in this Council, or outside this Council in the manner they are, will not deter them one bit from pursuing their evil course. I do not believe it is an evil course, and I would like to read out very

[Mr. Cooke] briefly this extract from a Nairobi paper showing that they have been very reasonable in Mombasa over the avoidance of what might have been a very severe strike at the Port. All points of view have been amicably met. Captain Williams, who is well known in Mombasa, at the Port, said that the settlement was "arrived at in a spirit of give-and-take, which was prevalent", and the General Secretary of the Dock Workers' Union said it was a "good meeting, and showed exactly what could be achieved by negotiations, between employers and employees". That does not look to me, Sir, as though these people were not co-operating. And I think we should make the most of Mr. Tom Mboya and his assistants or his colleagues, and we should give them every encouragement to go the right way. Anyway, by opposing them, we will not get their confidence, and you will simply turn them into strike-makers instead of strike-breakers. We have seen that all over the world from Bustamante in Jamaica down to any other example you like to take.

I want to refer to what I regard as a serious matter—that is, the omission from His Excellency the Governor's speech of any mention of the new African Union—political union—which I understand has been sponsored by Government. Now, my friend, the hon. Minister for Community Development, in Kisumu the other day made use of some words. They may be completely misinterpreted, or taken out of their context—he may not have uttered them at all—but, as they appear in this newspaper extract I have, I think they should have remained unsaid. I would like to ask Government—as my hon. friend is a Minister, and obviously he must share cabinet responsibility—was he speaking with Government authority when he used those words? I have already directed the attention of my hon. friend, the Chief Secretary, to them. He said that—my hon. friend said that—talking about one of the criticisms of multi-racial Government—"this should take us a step nearer to our objective, and that it was in the interests of this Association to work towards such a goal, because it would mean that the Africans would be in a dominating position in this country at some date"—what date? I do not know—

but that, Sir, is a very provocative remark to make, I think, and it certainly does not say much for multi-racialism. I thought poorly of multi-racialism before, and I think more poorly of it to-day. In consequence of that remark—and he was only reiterating what had been said by the Labour Party representative who passed through here the other day—a few months ago—that his party "regarded multi-racialism merely as a stepping-stone to African nationalism"—or words to that effect: Now, I read the other day that my hon. friend, the gracious lady, the Member for Nyanza, said that she regarded multi-racialism as a bulwark against nationalism. I think she had better think twice, because other people are regarding it as a stepping-stone to African nationalism. I thought it was just as well to bring that out, because I think it is much better to be frank about a thing of this nature. As far as I am concerned, if there is any attempt at domination, by any race—whether Europeans, Africans or Indians—if there is complete domination—I am not talking about European leadership now—I would be the first to resist it without any hesitation. My hon. friend will probably say he is taking the long-term view, or something of that sort, but he knows the material with which he is dealing, and I do suggest that it is wrong for him to make those remarks, especially as they were followed up by one of his friends, who said, "I do not believe in multi-racial Government for Kenya"—I will omit what he said about the Asians—"I believe in a purely national movement". (Aeroplane.)

I noticed my hon. friend, Captain Hamley, competing with an aeroplane going overhead yesterday! I thought I would make a similar attempt! The Luo president said, "I favour a purely nationalist movement, which will eliminate the immigrants in the shortest possible time". That was very plain speaking from a leader. I think we are entitled to some explanation of those words. I personally am neither a multi-racialist nor a nationalist. I am of the opinion—if I may pay a compliment once in a way—that I have never seen a younger lot and a more able lot of Government officials on the Front Bench as I see to-day, and I would personally very much welcome a return to the old

[Mr. Cooke]—Colonial Office Government for another ten years or so, while we pull ourselves together financially and economically. And to hell with all these political advances, if I may say so.

I am not supporting this Motion, because I do not agree with it, and I am abstaining from voting.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Speaker, I am very tempted, Sir, after the last speech, to turn this now into a public meeting atmosphere. The hon. Member for the Coast always does, of course, trail his coat, but I personally do not think it is the proper place to discuss speeches that have taken place outside this Council within this Council. I know the hon. Member for the Coast has just said that he is neither a nationalist nor a multi-racialist—whatever he may mean by either of those terms. All I would say is that I know my colleague, the Minister for Community Development, and I are both Kenya nationalists. Now, that is where I would leave it, and I personally think this is not the right place to discuss these particular matters.

Sir, if I may turn to all the points that have been raised by hon. Members in this debate which affect my portfolio—and I am afraid there are very many of them, which means that hon. Members may have to bear with me for some time.

I would like first of all to mention the hon. Member, Dr. Karve, and merely would wish to state that I do not think that he, the hon. Member—especially from a medical point of view—has really been recognized by the public for the voluntary effort and work he has put in with regard to the dispensaries he is running at Mombasa, and all the other work he has done and I would like to mention it in this debate. I think he deserves very hearty congratulations, and especially with regard to the activities concerning my portfolio. He did mention, Sir, the matter of dispensaries in Nairobi, and he welcomed the experiment that is going to be entered into in that Government is now going to start to charge. I know other hon. Members have their views on that, and I will deal with their points in a minute, but I do

want to emphasize that during this experimental period, when Government will still be running the dispensary, and charging fees, the poor people—those who will not be able to pay the fee—will definitely be looked after. There will be no hardship. We will see to that. The doctor himself will have to have the discretion, and also any certificate from a responsible person to the effect that the man concerned could not pay will, of course, be taken into consideration, and I would re-emphasize that the whole idea of this is that Government will have the trial period, and we will work out the difficulties, and I hope that we will be able to pass on to the City Council when they take over a considerable amount of material on which to base a fee-charging system. Now, this particular matter, Sir, the charging of fees for medical attention, is one that has been debated in this Council over a number of years, and advocated very strongly in this Council, and it is the move that we are now making towards the charging of fees—as the hon. Acting Director of Medical Services said himself—is the only way in which we can really improve the service.

I was very interested to see, Sir, at the beginning of this debate, that there seems now to be—and rightly so—and I do welcome it—to be two hon. Members for Mount Kenya in this Council. The hon. Member who seconded the Motion—I heard him speak so well, and I recall echoes over the years the point he made in regard to his constituency, which again were echoed by the present Member. It is right and proper that such an important part of the country should have such representation, but I did not agree—although I agreed with all that the hon. Nominated Member said—I did not agree entirely with what the hon. Member for Mount Kenya said. He did, of course, point out, I think, that he thought there was a danger that Government might ignore the remarks—and indeed the suggestions—put forward by the Opposition—by Members on the opposite Benches—because now Government had such a large majority. I agree to a certain extent that there is that danger, but I do not believe that the Government has done that, and that they have been guilty of that in the last 18 months or two years since they have

[The Minister for Local Government, Health and Housing]—had that majority. Indeed, what the hon. Member said conflicts with what the hon. Member for Aberdare said later in the debate—that he considered Government had become rather more reasonable. It may be, Sir, that certain hon. Members on this side of Council can take some credit for that.

The hon. Member for Central Electoral Area, Mr. Chanan Singh, when he was talking on Asian housing, said he was rather worried. He said he thought that the best way in which the problem of Asian housing could be met—the shortage of it—was by making available the land, and that should the land be made available he thought that Asian housing would follow on naturally. Well, I hope that will be the case. There has been quite a considerable amount of land made available for Asian housing in the last year, and one I would mention—because I think it is specially interesting—is the Nairobi South Estate, which was made available to build houses of medium density, and the rather peculiar thing that happened then was that a large number—about 40 per cent—of the applicants for that land did not fulfil their development conditions, and it is very surprising that they did not so in view of the fact that there is a shortage of Asian housing. However, since that time, a certain number, I think, of the allocations have been withdrawn, and some have been extended, and now, I understand, the development of that estate is quite satisfactory.

I am also told that—as the hon. Member may know—there is another area in Nairobi South—known as Area “C”—and that will be available for medium density houses when funds are available for the construction of services—and I hope that will not be too far ahead. Then, of course, there is the old race-course area which, again, will become available in due course and, although it will be some time ahead, there will be a large amount of land available in the present Eastleigh Aerodrome area, so that—anyway for the future—I hope that the demand will be met rather better than it has been in the past.

On the other hand, one must always consider the necessity for capital to pro-

vide the essential services for the development of these estates, capital for estate services, if it is a Government estate, and the capital for essential municipal services if it is either a Government or a private estate, and—as hon. Members know—we are very short indeed of even loan capital for these requirements. In other townships—and I think the hon. Member was not confining himself entirely to Nairobi—in other townships also a considerable number of plots have been made available, and—as far as I know—Kisumu is probably about the only place where the demand is not yet satisfied. Even there in the last few years—in Kisumu—250 plots have been made available, and Thika, Kitale, Nakuru, Kakamega, et cetera, all have had quite a considerable number of plots made available. In fact, outside Nairobi, Nakuru—and Kisumu—in the smaller areas—372 plots—have—of medium density houses—been made available in 1955 and, added to that, 173 business-commercial residential premises: so, although I recognize and realize that in some areas there may be hardship, I think the picture is definitely improved.

A matter raised which has quite a lot to do with local government is in regard to the allocation of plots by Advisory Committees—or Advisory Committees to the Ministry of Lands—this was dealt with by the Minister for Lands, and I think—I hope—there are no further queries on it. He then stated, Sir, that he welcomed the fact that the report on the hospital relief fund—of hospital relief authority for Asians—would soon be tabled, as it certainly will, but he said that he hoped that there would be no racial basis of taxation: I must clear that point immediately. Any hospital relief fund for any community—the Asian community in this regard—would be based, of course, on the principle which is accepted by the European community, and which has been a great success. That presupposes a racial basis of taxation. Sir, I hope that it is not going to be a disappointment to him when he sees the report. I can see no other possible method by which the scheme could be worked out.

The hon. African Representative Member, Mr. Mathu, had a number of points affecting my portfolio. Before going on to specific ones, he did mention, I think,

[The Minister for Local Government, Health and Housing]

that he hoped that villages would be sited on less—presumably less—valuable areas. In fact, he actually stated on rocky ground, if possible. From my point of view—and from the point of view of the Director of Medical Services—that is rather difficult, as I hope he will understand the disposal of certain wastage would be very difficult on rocky ground. It would mean a sewerage system in the Central Province, which would not be possible. On the other hand, in fact, it is quite essential that, as regards the simplification of the hygiene methods and so on, that ground—other than rocky ground should be chosen.

Now, Sir, the hon. Member mentioned a point which he brought up before in this Council, which other African Representative Members have brought up, and that is the comparison between the powers and duties of the African District Councils and the County Councils. Well, I can tell him—and I have said so before—that African District Councils actually have more powers than the County Councils. The African District Councils are authorized to deal with many agricultural matters, for instance—which they do, and rightly so. The County Councils have not such authority. The same thing applies to forestry. All the other powers, such as roads, health, planning, education, marketing, lighting—and all the rest of it—they are all exactly the same, and again, in fact, the African District Councils in some areas have taken on more responsibility—although the counties have the authority to do so if they want to. There has been a complete misunderstanding, in fact.

There is one point in which they are not similar—where there is a lower level. The County Councils have undergirth them urban and rural district councils. At the moment—not in every area—similar councils belong to the African District Councils, but—as the hon. Member knows—we, the Government, are sponsoring the setting up of locational councils and making them into statutory bodies, and the legislation to achieve that is promised for this Legislative Council in the very near future. That will, therefore, then provide the lower level—the lower authority of the local government picture in the

African areas, and then, after that, it is merely a matter of a name, and if the hon. African Representative Members would like their councils called African County Councils they can ask me about it, and we will consider it if that is all they are worried about. In fact, with regard to power and responsibility, there is no difference at all.

There is another point which is of extreme importance, and one to which—as he said—Government has been giving a lot of thought over a number of years—that is, the financial relationship between African district councils and the Government. Well, in 1944, Mr. Troughton submitted a report on what was then local native councils finance. The majority of the recommendations by Mr. Troughton were accepted and implemented, but early in 1953 it was decided that the development of the finances of the Colony, and of African district councils, justified further inquiry and, as the hon. Member knows, a committee was set up under the chairmanship of Mr. Vasey. It held its first meeting in May, 1953, and it took a very considerable amount of evidence and a long time to get out the evidence that was put before it. Of course, also, there were a number of changes in the personnel of that committee, which made it rather more difficult. That committee has reported and, in fact, their recommendations are now being considered by the Ministers themselves, and I would point out there are a number of Ministries concerned—it is not only mine—for there are very many implications in the financial relationship, and also, of course, there are many implications with regard to other local authorities. So, although I agree—that there has been some delay, I can assure him that we will have a report out soon on this, but the matter is not as simple as it at first appears.

Now, Sir, the hon. Member also repeated what he put to me in the form of a question a few days ago, and this is the matter of titles covering plots in African housing areas, and I am glad that he did bring this matter up again, because there is no doubt that it is not a hundred per cent satisfactory, mostly due to the lack of survey, but I do fully appreciate the feelings of hon. Members and, indeed, the feelings of the people who actually live on those plots,

[The Minister for Local Government, Health and Housing]

and who have not yet got a title with which they can go to the bank and say they would like to raise some money on; but, at the moment, the head title covering the whole location is granted to the local authority, who might subdivide and issue a sub-title to the individual. That title, of course, would be valid for mortgage purposes, as any other, and, indeed, it is security for the local authority itself when loaning money to the man concerned on a tenant-purchase basis or other basis, and when the payment is completed to the local authority, then the title is released from the charge and it becomes a normal type of security, and the owner can then raise money in the normal methods.

THE SPEAKER: This will be a convenient time for the interruption of business. I will suspend business for fifteen minutes.

Council suspended business at fifteen minutes past Four o'clock and resumed at thirty minutes past Four o'clock.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Speaker, I was discussing the matter of titles for African houses in African areas and, to show that we fully appreciate the importance of this, I do want to quote that at Thomson's Falls titles have already been granted on a tenant-purchase scheme, proper titles which are without any doubt, and also at Kericho 32 houses are now being constructed on a tenant-purchase scheme and it has all been surveyed and titles will be granted there, too. So, therefore, Nairobi is the next one, especially at Bahati and Makadara, the provisional titles as I have stated in an answer to a question which has been given, are legal to the extent that transfers can take place, but I must admit that until they are properly surveyed they are not as secure a title or as recognized a title as the normal one. I can now give the assurance that we will try our very best to get the surveyors to complete this particular intention, because it always has been the intention, there is no intention other than to grant proper titles.

Thika, I think the hon. Member mentioned, and that has been rather a difficult and perhaps one might say critical

example. What happened there was that under what we call the Vasey Scheme, the owner-builder scheme at Thika, the survey was completed, the plots were demarcated and then the Africans went in to build. Unfortunately they built right over the survey lines and it has been such a jumble that it has almost been impossible to really sort out what belongs to whom, because as I say some houses are built partly on one plot and partly on another. So, unfortunately, before we can get that sorted out we have to have a resurvey. There again it is our intention to get on with that as soon as we possibly can and there is already at Thika an administrative officer seconded almost entirely to this particular project to sort the matter out and put it on a proper basis.

Sir, the hon. Member for East Electoral Area, Dr. Hassan, made a number of points to do with my Portfolio. Again I would like to refute one thing he said and that was that he hoped that the dispensaries are going to be constructed in Nairobi by the City Council, and here I must add that dispensaries will be constructed with Government money mostly and therefore the Government must take the credit, anyway those dispensaries are not, and must not, be transit stations to hospitals. That is just what we do not want dispensaries to be. The whole idea of a dispensary is to bring the medical service nearer to the ground, nearer to the people, so that anyway the less important medical attention that is so badly required need not be done in a hospital; but can be done in the dispensary. Only will the really bad cases then be transported to the hospital. That is the whole system of dispensaries and hospitals.

Anyway he then went on, Sir, and touched on a subject which the hon. Member for the Coast also mentioned and one, I know, which interests a number of hon. Members opposite, that is the pooling and redistribution of land at Changamwe. Now, Sir, the history of this scheme was that large areas of land had been compulsorily acquired in that area for public purposes over the last few years, the Railways, African housing schemes and so on and fairly lately the inhabitants of that area, those whose land had been compulsorily acquired, petitioned His Excellency and myself stating that they had no place to live and no land

[The Minister for Local Government, Health and Housing] to buy with the compensation money which they had been paid. The owners of the present lands round about had not got sufficient capital to provide the services, the necessary services, water, roads, etc.; so that the remaining land in private ownership could be subdivided, and sold. We, the Government, had very little land in the coastal area, as hon. Members know, and Crown land was very short so there was little land, if any, to offer in exchange. Just to show you the measure of this problem, £350,000 approximately has been paid out in compensation money for compulsory acquisition in recent years. It was felt, therefore, Sir, that this particular area, round Changamwe, should and must become in the natural course of events a residential area. We tried to think up a way whereby we could help both those who had been evicted and also those who owned land in the area and still own it. So it was suggested that an area of 700 acres should be planned for residential occupation and that the owners of that land—700 acres—should be asked if they would like to pool their land, have it supplied with services and money and then surveyed and re-distributed to them, so that they could then sell their surveyed and serviced plots. Seven hundred acres is a very large area of land so the Government decided that we would start with 200 acres only; that in itself is quite a large undertaking. All landowners of that 200 acres were informed, and I am told that they have all volunteered to be included in this pooling scheme. I re-emphasize that I am referring to the owners of the first 200-acre phase. I have had objections from people, individuals not in that area, but I am assured again those objections come from persons outside the first 200 acres, probably persons within the 500 acres which we are not yet tackling. A meeting of the Mombasa Municipal Board, who will have to be declared as preparatory authority to this area was held on 5th July this year, and at that meeting the district commissioner was congratulated on the sound principles of the plan, he was congratulated by African, Asian and European members alike. The motion supporting this plan was passed unanimously by a very well attended meeting of the municipal board and on that, in-

cluding, of course, Arab representation. A district officer was then appointed on 1st September and has held and has continued to hold a number of *barazas* with the people concerned. All the difficulties and all the advantages and disadvantages are being pointed out day to day at these personal meetings. I know that there are quite a number of rumours going around about this and I would like to stop them. The first one is that the permanent houses that are now on that first 200 acres will be destroyed. That will not happen. Permanent houses will be left and the plan will so be arranged and the survey so done that no permanent houses of any value will need to be destroyed.

Secondly, I understand the people believe that only Africans will be allowed to buy land in this area; that is completely untrue, this area will be open for anybody to buy land off the landowners. Now the hon. Member suggested that the Government should acquire land so that the owners can go elsewhere. Well now that is exactly what the petitioners do not want, because they say, the petitioners I mentioned just now, have said quite clearly that they have got the money but they have got no land to buy elsewhere so, therefore, by subdividing that area we are, I hope, making plots available for people to buy and in that way we will, I am sure, meet the needs of a number of persons, both the present landowners and those without places to go now.

Now, Sir, surely it is obvious that the present landowners of this 200 acres are going to have a great benefit out of this scheme. The Government can loan money and is going to supply the loan money to do the services, and also the area will be planned so it will be a very pleasant residential area to live in. There will be centres, villages, sports grounds and so on. Admittedly, the land required for those public services, or public amenities one might call them, will be taken from the present land holdings, but I can see no doubt at all that when the area is surveyed, all the amenities put in water supply, roads there, that the remnant of land, which will be about 90 to 95 per cent, will be much more valuable than the present slightly larger holdings. I do hope the hon. Members—I have explained that clearly. In spite of the land that may be taken away for public purposes, the remaining land with

[The Minister for Local Government, Health and Housing] all these amenities and facilities that will be supplied will be more valuable, much more valuable, than a slightly larger area of the *shambas* to-day.

Now the hon. Arab Member shakes his head; but all I can say on that is that he should inquire into it and go into the financial detail of it and satisfy himself one way or the other. I am prepared to say here and now that if those owners of the first 200 acres are not satisfied that they will benefit, if they are not satisfied, I am prepared to drop the whole scheme. I do not want this to be a compulsory scheme. I have the powers under the Town and Country Planning Ordinance, if necessary, to make it compulsory, but I feel this scheme is so important that I want it to go away with a swing because this may well be a pilot scheme that will help us to solve some similar problems, not only at the coast, but in other areas in this country, to relieve the very difficult housing problem especially near towns. So, therefore, I am prepared to say that if this scheme cannot go through voluntarily, then it will not go through at all. I can assure hon. Members, I can assure them, that the money that is available for the development of this scheme could be used very usefully in other areas of the Colony where I know I shall have full co-operation.

The hon. Member also brought up a matter of trading centres. I think the trading centres are a bit of a Cinderella but they do come under me so I understand. I think the great worry that he had was that of the temporary occupation licences, and again the survey work so that the people in the trading centres could put up permanent buildings, that I remember was the point he made. I think the Minister for Lands has already answered him to some extent on that: I would only like to add that a considerable amount of survey work has been done and T.O.L.s will be converted. I understand, when it has been done, both in the African Land Units and outside, though I know it is not sufficient, and does not meet entirely the hon. Member's requirements. The priority list of work in the Nyanza Province has been completed and I am told two teams have now moved into the Rift Valley area. I also understand that

Hoeys' Bridge, Kikuyu, Athi River, Konza, Limuru and the County Council areas have also had survey teams. So although it is taking time, it is moving along.

The hon. Arab Elected Member, Sir, Sheikh Mahfood, mentioned one or two points and he also touched, of course, on the pooling scheme, but I have already dealt with that.

He did though ask if the planning scheme at Malindi could be done with co-operation and knowledge of the local people, and I can assure him that that is happening. The Township Committee at Malindi is fully aware of the plan that is being drawn up for Malindi and, indeed, the Town Planning Adviser made a special visit—lucky man—to Malindi only the other day to meet the local people and consult them. He can rest assured that nothing will happen without the local people knowing.

The hon. African Representative Member, Sir, Mr. Gikonyo, mentioned a number of points. He was a bit worried I think at the transfer to the City Council of the dispensaries and the Director of Medical Services dealt with those points and I hope that he is satisfied and if he has any other points to put to me, I will be only too pleased to discuss them with him. I can assure him that I am perfectly satisfied myself that the City Council will show a very responsible attitude towards this.

I would like to say here and now because I notice, Sir, an idea creeping into minds of hon. Members, not only those opposite of this Council, that the City Council of Nairobi is not prepared to co-operate, not prepared to help the other races, especially African and Asian on the provision of services and so on. It has become quite apparent and questions have been asked. I would like to refute that. I personally believe the City Council is a responsible body and it has been acting most responsibly on all these matters and all I can say is if hon. Members have such doubts will they please come to me and discuss it with me. I think that is the best way we can get these things sorted out.

Now, Sir, I do want to mention that the charging of fees is a thing that has been accepted by local authorities or dispensaries and medical services all over

[The Minister for Local Government, Health and Housing] A number of African District Councils are charging fees in dispensary services and quite high ones and they have been quite successful. They have collected their fees and I am pretty certain, in fact I know, that no man without the requisite money in his pocket has been neglected or refused attention. That must happen or whatever local authorities are dealing with it.

Whilst on the subject of fees, the hon. Member stated that the fees of the maternity hospital—the City Council maternity hospital—of Nairobi were now so high that a number of people could not afford to go in. All I can say is that there are 75 beds at the maternity hospital at Pumwani, and to-day there are 80 patients and there is such a long waiting list that very reluctantly the authorities had to reduce the stay of a woman's confinement to three days. The fees are between Sh. 25 and Sh. 28 and there seems to be such a demand that it cannot be fulfilled. So I do think it is only fair to say that there must be a number of Africans who can and will and want to pay the fees that are being charged. As the hon. Member knows there is a service which can be supplied elsewhere to those who cannot afford and do not want the standard which the City Council—and a very high standard—supplies.

Housing, Sir, the hon. Member asked if the Central Housing Board has control over standards of housing. Yes, it has and on the Central Housing Board there are a number of African Members and I would like to say that in my own view, the quality of African housing is not at all bad in Kenya; anywhere, in fact, I would say it is as good or possibly better than anywhere in Africa. Our standards of housing in Kenya are very good. That of course does not mean we are resting on our laurels, we want to improve them.

MR. AWORI: What about South Africa?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: The hon. African Representative Member has just said, Sir, that he does not think they are as good as South Africa. That is a very interesting remark.

I would like to say also that the design for the new scheme in Nairobi of 5,000 houses, especially takes into consideration the point that was obviously worrying the hon. African Member. That is the point of obsolescence, that those houses may well be out of date and not required in ten years. I think he said. Well, the design has taken that consideration and in fact when the standard of living is raised, and the wages reach a level where men can afford to pay, in this scheme a married man will be able to rent a very nice self-contained married flat; that is what it amounts to, and the accommodation, to my mind, is as good as a lot of the accommodation that is now being occupied in other parts of the town, by other than Africans. That is a point, as I say, that was especially kept in mind when the design was drawn up and, of course, the hon. Nominated Member, Captain Hamley, dealt with this to some extent. I would like to re-emphasize that the standard of housing of any sort, medium, low or high density must depend on the finances that are available and it comes back again to the same old problem that we have discussed before here, that is, we must provide adequate housing for a rent which an employee can afford out of his pay. It is a most difficult matter to balance out the different demands.

Now the hon. Member brought up again, and rightly so, the question of higher-class housing for Africans. Hon. Members realize, as I have said before, the difficulties in finding capital and with the limited capital available both to the Government through the Central Housing Board and the Nairobi City Council; or, I had to make a decision. Should we try to meet the needs, the immediate needs, of the lower-paid persons and indeed the higher-density housing, with the money that we had available? Or should we go to the higher-class housing, medium density? It seemed to me that through humanitarian reasons, also economic reasons, that we would have to meet the need of the overcrowding especially in the City of Nairobi first. We did; therefore, include in the scheme only 50 houses as a pilot scheme for higher-class Africans to have. But I can say we have not been idle and a number of areas are now under consideration and

[The Minister for Local Government, Health and Housing] even the cost of services for these areas are being estimated and being worked out. As far as what I have mentioned before, that is the lack of capital, and it is only capital because in all these things—economic—it is loan capital that we are so short of; we are continually investigating new sources of capital, for further expansion, both in low-density and medium-density housing and the signs are not unfavourable but there can be no promises.

I do want to re-emphasize—and repeat again what I said before—that I believe that economically, psychologically, politically the provision of such houses, is one of the first priorities and I will go ahead on those lines.

The hon. Member for the Western Electoral Area stated, Sir, that a number of people in this country are not being attended to medically. He really took that extract out of His Excellency's speech. Well, this is true and we are running—in the Medical Department—we are running into very great problems in this regard. We have tried to keep down the expense of medical services throughout the country as much as we possibly can. That was to meet the demands and suggestions of hon. Members on the other side. In fact, nearly all, not all now because we have spilled over a bit, but nearly all the extra expenditure which the Emergency brought on to the Medical Department was absorbed by the Medical Department's normal vote and it has now become so pressing that we have had to ask for Emergency funds. But we have tried to keep within the bounds of our normal vote but of course it was not possible for other departments and now we find that we are getting into a rather difficult position. As closer administration takes place, which is being advocated by hon. Members opposite, and indeed is the policy of Government, rightly so, more and more of these services are demanded. It means that all officers go into the fields and contact directly persons in the reserves and elsewhere, more and more realization becomes apparent of the need for medical services and more demands are made by the people in the field; it is just human nature. The district officer comes into a new area

where there has not been one before, and there he finds one or two people, not very ill, so he says, "Hop in, you are off to hospital", and it is quite a proper thing. But it does mean that greater and greater demands are being made on the medical services of this country as we extend, shall we say, the civilizing influence of closer administration. It is a very great problem and all I can say is that we may, in order to meet these demands, have to spend more money. I do hope that hon. Members realize what a terrific burden the Medical Department has been carrying during this period. We are very short staffed and very short of funds and, indeed, over and above what is appearing in the field, it has had great responsibility for these thousands of people in camps.

Now, Sir, the hon. Member stated that when a person buys a piece of land, he is asked for money to build roads and drains and these are not built for 15 years. He then said that he would give me an example. Well, I do not know whether this is a matter for local government, whether it is a local government rate or what, but I would like the hon. Member to give me an example.

Also with regard to Kijabe. As I understand it, Kijabe was not closed down; there are still seven shops open—or were lately—the police station, the hotel, but it has fallen on bad days as we know owing to the Emergency on the one hand and also to the realignment of the railway, but, if there is anything that he has in mind with regard to the improvement of Kijabe, perhaps he would like to come to me and talk about it.

The hon. Member for Nyanza, Sir, was kind enough to congratulate the Red Cross and Save the Children Fund for what they have done for children, especially in the reserves. I would like also to mention the Administration because they have done an enormous job on this very difficult problem. But I think there is a misunderstanding, and certainly the hon. Member for the Coast, I think, airily said that there were hundreds or thousands, or lots of Kikuyu starving. Well I think that is rather a misunderstanding in the minds of hon. Members and, indeed, the public in this regard; anyway as far as children are concerned. We had a preliminary survey

[The Minister for Local Government, Health and Housing] organized by the Medical Department of 53,000 children in the Central Province. The percentage of malnutrition found was between 8½ to 10 per cent. Now it is not easy on a survey of that sort to base one's calculations, because the different people who examine the different children may have different ideas and standards, so the Medical Department is now trying to set up a standard to judge malnutrition on height, weight and age and, indeed, the height, weight and age standard will have to take into consideration Africans in other areas, other than Central Province as well, in order to make quite sure what the impact of the Emergency has been on this problem. As I say, from preliminary investigations, it does not seem that the Emergency has had such a terrific impact. Or shall we say, or put it the other way, that the measures we have taken have been able to meet the problem, arising out of split families and so on.

The hon. Member for Aberdare, Sir, asked me especially about the problem of relief of distress. I am very glad he raised it because I do not think that hon. Members realize the difficulties that people of all races are facing in this regard to-day; primarily, the relief of distress must be a problem for voluntary societies and the communities themselves, and also I hope that local government will play a very important part in it, but Central Government will help as far as finances will allow.

The hon. Member mentioned three categories, I think, or maybe four. The first category mentioned was old people, and, although there is a shortage of accommodation for Europeans, they are being looked after, to some extent, and very well looked after—those who are fortunate enough to get into these homes, the Louise Decker Home, the Salvation Army, the British Legion and so on, but there is a greater demand than there is supply for looking after old people and I hope that the public will recognize that problem and help to increase the accommodation available.

As far as Asians and Africans are concerned, some local authorities have taken the problem seriously and are looking after them, especially in Mom-

basa, which I think is a magnificent achievement, where old Africans and Asians are being looked after there in Municipal almshouses. But luckily at the moment most of those Africans and Asians are looked after by the communities themselves and under tribal custom. The chronically sick was the next category the hon. Member mentioned. The European Hospital Association is planning to cater for 30 chronically sick, in the next few months, or may be, say, within the next year. That is also an urgent problem from the medical point of view in that so many of the chronically sick take up beds in hospitals which otherwise are required for more urgent and more difficult cases. Again, the Asians and Africans help themselves very greatly in this regard.

Then, of course, there is the category of unemployables and that is a problem which is steadily growing and one that the Government and the communities in general must recognize will grow with the expansion of population and expansion of activities. It is one which has given me much thought and difficulty. Discussions are now proceeding with voluntary societies and local government authorities to see if we cannot find a way in which to help, especially at the moment, the European unemployables by voluntary effort and provision of an institution and possibly ultimate treatment. I should mention here, of course, Sir, that as hon. Members may know, there is a special Vote which they see every year in the Estimates for the relief of distress of all communities and I can assure them that it is fully spent, and fully spent on most tragic cases. I can assure them also that it is spent on all communities and I think that is all I need to say there.

Anyway, I should like to welcome the mention made by the hon. Member for Aberdare—this particular matter—I know he is interested in it, but there is only one thing I would like to stress. He said that he thought the public should supply the capital and the Government the recurrent expenditure on any institutions under these heads. I think, Sir, that it would be better to look at it the other way. The recurrent expenditure, I think, must be the public or the local authorities' responsibility, whereas with the

[The Minister for Local Government, Health and Housing] capital the Government will try to help when the money is available.

The hon. African Representative Member, Mr. Arap Moi, in his maiden speech, mentioned, I think his mind was turning on the fact that social services, I think he specially mentioned education, that social services were not properly being supplied to the standard which the loyal tribes, or those tribes which were not concerned with the rebellion, would like. I would merely like to say that we have that always very much in mind and I would remind him that the Sossiot Health Centre at Kericho is a gift to the Kipsigis tribe, which I hope I will have the honour of opening in the next few days, or few weeks, and also the Sigor Health Centre at West Suk, those are the ways in which we are trying to help and we will continue to do so when money is available.

The hon. Nominated Member, Mr. Tyson, touched on building societies, and I would merely like to say here that the scheme of guaranteeing, of a joint guarantee between local authorities and the Government, is now being finalized so that building societies should be able to pay up to 90 per cent of the value of the house. I said being finalized. I hope it will not be more than a few days or weeks before it is completely finalized, and as far as we are concerned the building societies will certainly, under this scheme, be allowed advances on either new or old houses, but that is up to them.

He also mentioned the fact—the matter of Woodley Estate—and said he thought the City Council should allow their houses on that estate to be sold on the tenant-purchase system. Well, that has been under consideration, as he knows, for a long time, but the City Council have now decided, and I think rightly decided, that that estate shall be a transit estate. A place where people can go and rent their houses, stay for a while whilst they are making their mind up where they want to settle and save their money to put down their deposit, etc. Personally, I think it is quite a wise decision because such an estate is necessary.

He also mentioned, Sir, the Chief Inspector of Children and said that she was only able to work on European and Asian children and therefore that was a great pity, but I would say that she is not the only Inspector of Children. All Administrative Officers in the Central Province, all Community Development Officers, all Red Cross workers and all Government Medical Officers have all been appointed to be Inspectors of Children, and they, of course, will be working mostly on African children. Also in Nairobi there is a lady officer on the staff of the administration who is similarly appointed as an Inspector of Children, and she is doing a considerable amount of work in the African areas. I would say that Government is not completely satisfied with the organization of this matter of the inspection of children, and so on, especially *vis-à-vis* the Probation Services, and this is what led the hon. Member to raise this matter, I know, and it is being discussed now and I hope it will be sorted out. After all, the Bill was only passed a couple of months ago and we are going through growing pains.

Now, Sir, the hon. Member for Mau was concerned about the finances for County Councils. Well, I think I can say I am also concerned, but then I am also concerned and so is he with the finances of Government. It is very unfortunate that the County Councils were just getting into their stride when the Emergency hit us, in that it has led, of course, to a considerable reduction of any money that may or may not be available, and really the overall solution to this problem, to this question, is that we have to pull our horns in, both in the local government level as well as the central government level, until our finances are in better shape. But he said that he thought with the deficiency in the townships, the County Councils were led to believe that townships might be assets to them, but turned out to be liabilities. I do not know if they were so led, to believe, but they have turned out to be liabilities to some extent, although I am quite certain in the long term they will be assets. He quoted that in the Nakuru county there was a £5,000 deficiency on townships and that the diminishing grant which Government has just agreed to, and this Council has agreed to, will only just cover that deficiency. Well, that

[The Minister for Local Government, Health and Housing]

is not quite true; and I do not think we should let that stand on record as such. For the Nakuru County Council, the deficiencies, and the Urban District Councils, were in 1953—£1,821, in 1954—£3,314, in 1955—£5,992. That makes a total over three years of £10,227. Well, the first grant payable to the Nakuru County Council will be £14,850, so it is not quite true what the hon. Member said. However, I do recognize the difficulties that the County Councils may be meeting on this and we are—Government is—determined to encourage and establish healthy local government, and we are continuing to examine methods by which they can help themselves; I say to encourage better services for fees and so on, and also methods by which central government can help too, but I would like to say that the spirit of local government is the spirit of local autonomy. The spirit of local government is local patriotism, and it was because of that that County Councils were established; because people wished to look after their own affairs to a certain degree. Now, the more money that the central government gives, the more subsidy the local government gets from central government, the less autonomy local government has, and that is a thing that must be recognized, and if hon. Members will consider the position in Britain to-day, it may well make them think again.

The hon. Member also said, actually he said that he thought it was unfair that orphans were left on the doorstep of the County Councils to look after. Well, that is just one thing the County Councils will not look after. I have tried to press them to appoint authorities under the Child Welfare Bill, but they will not do it.

The other matter he mentioned, Sir, is the hostel at Molo, for the Molo School. I do not see why that should be any particular burden on the county. They could, if the money is available, which I think it may be, they could borrow the money for that hostel and it should be economic. The fees should make it economic. It is those sort of activities that the County Councils must try to find out so that the greater their activities the less are their overheads which is the

greater liability and burden on them at the moment, and I am certain that that is the answer to the difficult situation they are in.

The hon. Member also mentioned the extremely important subject, which is one that the Government is examining in detail at the moment, and that is the complex problem of the control of population in urban areas. Now, Sir, the hon. Member for Mau, in winding up his speech, asked, I think, that Government should keep their feet firmly planted on the ground and they should have one eye on the ball and one eye on the future. Now, just previous to that remark, Sir, he had been giving us a dissertation about the manufacture of cheap gin, so I presume, that he feels that if we do manufacture cheap gin, the Government will become so cross-eyed they will do just what he has asked them to do.

Sir, I beg to support.

THE MINISTER FOR COMMUNITY DEVELOPMENT: Mr. Speaker, Sir, as the Government rehabilitation programme becomes more and more established, it is natural and essential that the attention of my Ministry should be turned more and more to the peacetime work of community development. Rehabilitation in prisons and detention camps is going on well, and the experimental stage has now been passed. The methods are being confirmed more or less to be working and we can see results. As regards peacetime development, attention is necessarily being paid to troubled areas as well as the non-troubled areas. A start has been made in both sections, but it is true that as yet, little has been achieved, because as far as Field Officers' work is concerned, the Ministry has not really had its feet firmly on the ground, particularly in the non-troubled areas. And to show exactly the position as it is, I should like to, with your permission, quote a little passage from the report of the Ministry for the year ending 1954, just to give a correct perspective to all that will follow. "The Department has no male field staff and therefore confines itself to making grants to district commissioners to assist them in carrying out self-help schemes. The Provincial Administration was handicapped in its work

[The Minister for Community Development]

through shortage of staff caused by the Emergency. Nevertheless, district commissioners in the Kikuyu, Embu and Meru Districts were emphatic that the second stage in overcoming *Mau Mau* must largely be conducted on community development lines, with particular emphasis on the women." Mr. Speaker, the Ministry is just starting on the second phase of its work. In the present financial year provision was made for seven posts of Community Development Officers and together with those we hope to have 21 posts as a result of the American aid to the Ministry. The latter will be posted mainly in the non-troubled areas and the following posting arrangements have been proposed:—

Nyanza Province	7
Rift Valley Province	6
Coast Province	3
Southern Province	3

In addition to the field staff employed direct by the Ministry, there is a very large number of Community Development Assistants employed by the African District Councils in their own areas which do very much the same type of work as our own officers do, but with this difference, it is the task of the Ministry's officers to guide, advise and co-ordinate the efforts of these Africans, to make sure that the best results are obtained.

Now just a hint as to how we are likely to carry out this programme of community development. Experiments have been going on for some time now to find out how best we can achieve results with the limited staff we have. There are two types of approach—two methods of approach—to the problem, and the first one, which is known as the District approach, regards the whole district as the field of operation, and selects work at random with the assistance of Community Development Assistants in those areas and treated in that way, regarding the whole district as the unit of operation. Now that has its results and we are still examining them as to whether they will be the best or not; that remains to be seen in the future.

The second one is the project method and this seeks to co-ordinate and to concentrate the efforts of all the available

community development workers in a district on one single project, and the officers of my Ministry, plus the assistants employed by the district councils, plus other Government officers also working in the district, come together to one single place and concentrate there. The choosing of the site is very important. They have to make rough estimates and to find out if it offers a sufficiently good chance of success before they embark on it. Such a scheme has been tried in the Machakos District with some very promising results, and, in order to show Council exactly what may be done by such an arrangement, with your permission I want to quote what the Officer-in-Charge of this scheme has had to say. "As you are aware, the team comprises members of five different departments, i.e., Administration, Agriculture, Health, Veterinary," and Community Development. On the agriculture side, the team supervises terraces, ditches, soil conservation measures, encourages farmyard manuring and composting, puts emphasis on cash crops, fodder plants, homestead grazing and so on."

"On the health side, we teach clearing of homesteads, removal of stock from dwelling houses, clear and renovate interiors, plastering and whitewashing the walls, installation of windows, build latrines, erection of separate goat, sheep and poultry houses, elimination of rat infestation and protection of water supplies.

"On the veterinary side, we teach livestock improvement, castration, poultry improvement, pasture improvement and so on.

"On the informal education side we take adult classes, distribute reading material and arrange film shows, games and drama, and so on.

"As a whole the team does these jobs collectively and each member of the team is given an opportunity to speak at weekly *barazas* on his subject. In the present areas of work people have begun to understand the importance of different aspects of life, especially on the health side. The main team has now four subdivisions in the district."

Now, Sir, that is roughly the type of work which we have in mind for quiet peacetime community development

[The Minister for Community Development]

throughout the country, and this Machakos example has been a sufficient practice to encourage us to adopt the second rather than the first, but, as I said before, we are still experimenting up to the time when we will be fully satisfied that that indeed is the best way of tackling the job.

Now, so much for community development. I should now like to turn to the rehabilitation policy.

Early last week the Government issued a Press communiqué on rehabilitation and that communiqué contained the following facts and figures. The Ministry has now in the Prisons, Detention Camps and Works Camps the following number of officers: thirty-six Rehabilitation Officers (now called Community Development Officers in order to change from Rehabilitation to Community Development as I have explained before), 83 Assistants, 17 African Probation Assistants and 237 Elders, drawn mainly from Kikuyu, Meru and Embu tribes. They carry out their work among some 62,000 *Mau Mau*-infected men and women. Of these, 15,000 are convicts who are held in prisons, and 47,000 of these are detainees who are held in detention camps, works camps and other places of detention. Now, of this mass of *Mau Mau*-infected people it is important to realize that after careful examination and interrogation there are some 44,000 only who are called "greys" or are classified in "Y" or "X" class. Now these people are hopeful. They are perfectly amenable to rehabilitation and arrangements have been made for them to occupy works camps of all categories. Lately, measures have been adopted by which they go down the pipe-line from the two main holding camps of the Colony, that is Manyani and Mackinnon Road. These people are drawn to a district reception camp. In addition to Manyani and Mackinnon Road, more are drawn from the works camp in the Embu District, that is from the Mwea Tibere flats. And when they come to that district reception camp it is the business and responsibility of the District Officers to disperse them as they see fit. The district pipe-line works roughly in this way. In every division there is a works camp established for the members of that division

only. A division takes two locations or more. At the location level, we have what is called the Chiefs' Open Camp. When the people come down the pipe-line into the district reception camps, they are examined and are worked on carefully by the Rehabilitation staff, and are dished out in their correct divisional works camps. At these camps they are again concentrated on by the staff of the Ministry in order that they may go even a stage farther up the rehabilitation ladder which they were supposed to have started climbing when they were still at the other camps. When they show sufficient progress, further teams are drawn, this time from the division itself, of people who know them fairly intimately and they are dealt with according to their various categories. Those who have made progress are drawn in to the Chiefs' Open Camp. There they are very nearly coming home. They will be examined by people who know them very well and, if they are satisfied that their standard of rehabilitation is good, and they will not be a menace to the public, they are accepted in the community and they come in. On the other hand, should they prove to be unsatisfactory at the divisional works camp or at the locational open camp, they are still liable to be sent all the way back to Manyani or Mackinnon Road or wherever they came from. We are paying very careful attention to make quite sure that people are not released who are not in actual fact fit for release, and that is how the pipe-line works for "greys".

Now that only deals with one side of the people we have to deal with. There remains the "black" or people in the "Z" categories. It will be remembered, Sir, that early on in the Emergency, the Government said very clearly that the irreconcilables will not be allowed to come back. Now I am very anxious to explain that this does not necessarily mean that these people will be put away permanently and forgotten. There will be a chance for each and every one of them to make good. If, in the process of time, they respond favourably to such rehabilitation amenities as are made available to those who are prepared to make good, they will climb the rehabilitation ladder just like anybody else.

I should like to stress one paragraph in that Communication which, I think,

[The Minister for Community Development]

puts the whole thing into a nutshell. "The Government is taking the line that in no case is it to be assumed that a man is an irreconcilable for the rest of his life. We believe that all should be given an opportunity to show that they can live in peace with their neighbours and, for that reason, arrangements have been made for a review of detainee cases." That, as you see, Sir, does open the way fairly widely for anybody who is prepared and willing to start climbing the rehabilitation ladder like anybody else.

Nevertheless, the fact that has still to be faced, is that there are quite a number of people who are still to be kept away for a considerable length of time. For purposes of accuracy, I will give you a further quotation from the Communication: "At present, however, it appears that there will be numbers of *Mau Mau* detainees with whom fanaticism is so ingrained that they are unlikely to give up their subversive intentions. It will, therefore, be necessary to keep them away for many years away from those areas in which they might attempt to organize a reign of terror such as prevailed at the end of 1952".

So far, it will be noted, Sir, that although something has been achieved, the Ministry has no wild claims to make of this achievement. It is time, and time only, that will show whether the change in the man has been proved or not. It may be that detainees have seen the writing on the wall during the time that they are in the detention camps, or in the holding camps, which made them feel that it is necessary to pretend to be what they are not, but the Ministry is prepared to give them a fair chance and, if taken, they may make a fresh start and come over completely to the side of the normal people.

That then is the policy as regards rehabilitation, Sir, and, from there I should now like to go on to deal with specific points raised by the hon. Members opposite.

In the first place I should like to add my tribute to the very capable maiden speech which was delivered by the hon. Member for Ukamba. In the course of his speech he wanted to know what the

Department, or the Government, was doing to teach the Kikuyu, Embu and Meru women away from *Mau Mau*. Now the *Mandela ya Wanawake* movement is attending to that. It has been very successful all over the Colony and I should like to give these figures so as to assure the hon. Member that we have not neglected the need of the Kikuyu, Embu and Meru women so far, and are teaching them away from *Mau Mau* doctrine.

In the whole Colony there are as many as 508 women's clubs and, of these, 206 are situated in the Central Province alone. They are attended by no less than 36,970 members, and, of these members, 17,070 are in the Central Province alone. Now these clubs take care of married women, young women and girls, and these large numbers will show that there are very, very few who are not touched by the activities of the Ministry. My Ministry has nine officers—that is Community Development Officers—in the districts of the Central Province and with them, there are 12 Red Cross workers who do almost the same type of work, and who work with them in co-operation. From those figures I am quite sure that Members will be satisfied that the women are not neglected and much is being done to bring them round.

Mr. Speaker, I was very glad to note the emphasis which the hon. Member laid on the importance of the training of youths and that particularly in the troubled areas. I would like to inform him that throughout Central Province youth clubs and youth camps have been formed and these are running well. They cater for many categories of boys. In the first place, I would like to draw attention to *Wamumu* on the Mwea Flats. *Wamumu* takes care of all the youths who have been involved in actual *Mau Mau* activities and who were detained in Manyani, Mackinnon Road and elsewhere. These are now being collected back and are being traiged back to normality at *Wamumu*. Because they have been involved in serious offences, it is necessary to run *Wamumu* on Borstal lines. That is only one example of the type of work we do for youths.

The other one is the camp situated elsewhere in Central Province; I refer to

[The Minister for Community Development]

Chief Njiri's School. Now this is a collection of boys from the reserves. They have not been actually involved in any *Mau Mau* offences, but it is realized that if they are left idle, and are not given something helpful to do, they will resort to mischief. They are put into this school and are trained to be active, and to learn to be disciplined and to follow the lines which we know are going to be useful to them and to everybody else in the future.

Now, the third kind of camp, Sir, is Muriranga, one that cares for the notorious children who once upon a time roamed the streets of Nairobi. That is what is called the Boys' Town. Now this little place takes care of 60 to 100 children and young boys who were picked up in the Nairobi streets and taken into it in order to be educated back into ordinary life. I have myself met them and seen what they look like. They come in in rags, with hair that is full of lice and they are horribly dirty. The first lesson taught to them is of being clean—keeping their bodies clean, their hair clean and their clothes clean and they are being taken care of, being taught discipline and all sorts of things which will ensure that not only they do not come back to Nairobi, but they learn something which will be of use to them.

Now, before I leave the youth camps, I would like to hint on something which is, I think, badly misunderstood by the public of this country. Very recently there appeared in the local Press a criticism of the activities of my Ministry that it tries to do too much for the bad boys—while somebody else does not do enough for the good ones. The policy of trying to educate or train these chaps in the rudiments of crafts has been criticized as educating them while the loyal people do not get any education at all.

Now, first of all, I should like to point out that the policy of teaching the rudiments of crafts has been a Government policy for many years now. In prisons, long before the Emergency, prisoners were taught carpentry, brick-making and so on during the time that they were in prison. There is nothing new, therefore, in that principle.

Secondly, I should like to explain that the Ministry does not do anything more than just give these young men a hobby that will occupy their minds and time during the time that they are in detention—of course apart from the physical labour outside the camp—and which may be useful to them in those days when they come out of the camp, but at no time does any one of them acquire sufficient training as to merit the granting of a certificate as a craftsman. What he knows is so little that it can only fall into the class of a hobby, but never a profession. But of course the fact remains that those who are born craftsmen, even if they had the rudiments of anything, or if they did not have it, they are bound to eventually become craftsmen in one way or another, but not necessarily because of our training but because it is part of their make-up and it is easy for them to acquire and to develop because it happened to be in line with their make-up.

I think that completes the points that were raised on this Ministry by the hon. Member for Ukamba.

The hon. and gracious lady, the Member for Nyanza—who I see is not on her seat at the moment issued a very strict warning to the Ministry. She warned the Ministry that the Ministry should never start centres which it had no intention of maintaining or running. Now I should like to assure her, and the Council, that that is exactly what is happening. The Ministry takes great care not to start those centres for training which it has no intention of running. But, if the hon. lady was referring to the community centres which were built soon after the war, sometimes with Government assistance, sometimes without, as community centres, she is probably right, because we, ourselves, feel that some of these centres have given the public quite the wrong type of impression. We intend with these centres to educate the public on the best way of raising their own standard of life and I agree that in many of these centres that were put up at that time, this point was not made clear and it was not pursued completely in any of the activities that took place in those centres. Our part is principally concerned with adult education, which we believe in, that was the original intention for which those centres

[The Minister for Community Development]

were put up. But where it failed under the direction of the local authorities, I am quite sure they would have had no alternative but to close them down. But I am not quite sure what the hon. and gracious lady meant because there are quite a number of other things apart from that type of community centre to which I have referred. We do have training centres at each district level. The district homecraft training centre is a centre which we ourselves put up in conjunction with local government authorities for the training of women to lead other women in the district. Now the policy of the Ministry at the moment is to encourage the local government to take over these training centres to be their own schools or institutions. Already Kakamega and Nakuru have taken their advice and established very good training schools for the women of the district which are an example to many. We believe the Kericho African District Council will be doing the same soon with a school which has been built there.

If the hon. lady was referring this time to the *Maendeleo ya Wanawake* groups, which are opened in the district under the leadership of African women and supervision of the homecraft officers and their assistants, I should like to inform her that these, as the case may be, come and go. If the community development officers and their assistants put in a lot of work, enthusiasm is created, but if something happens, the enthusiasm wanes and goes down, therefore surely it would be madness to try to run a centre with nobody in it. In the long run many of these centres have had to come and go, but, at the same time, hon. Members will know that this is one of the most important movements that we have in the country; so much so, that I should like to point out now that, as I have said before, the movement is constantly growing at a very remarkable rate. It is probably one of the most important and remarkable examples of community development among women to be found in Africa. I am quite sure that that will be found to be absolutely in order.

Now, I think a question was put to me directly by the hon. Nominated Member, Mr. Tyson, and has been fully dealt with by my hon. friend, the Minister for

Local Government, Health and Housing: That, I feel, brings me very nearly to the end of my ministerial responsibilities.

But, before I sit down, I think I may have to turn to my political responsibilities and satisfy the queries of my hon. friend, the Member for the Coast. In the first place I should like to deny that there was anything in the way of a Government-sponsored African Association. The African Association in Central Nyanza District is a political one and an organization in its own rights. But, it should be remembered that the scheme, which was implemented by the Central Nyanza people, was a scheme which was agreed between the African Members and the Government, but at no time could it be said that it was a Government-controlled association. It is a political association on its own absolute rights. The hon. Member demanded of me an explanation as to some words which he alleged I said, or which somebody else said who was with me on the platform. First of all I should like to say that the hon. Member was misinformed on the whole subject and it may be probably wasting useful public time to go into the pros and cons in order to make him understand the situation. I therefore . . .

THE SPEAKER: I must ask the hon. Member to please address the Chair.

THE MINISTER FOR COMMUNITY DEVELOPMENT: I beg your pardon, Sir.

MR. COOKE: Would the hon. Member give way? The hon. gentleman had ample time to contradict the newspaper reports, because they were first published about a fortnight ago.

THE MINISTER FOR COMMUNITY DEVELOPMENT: I thank the hon. Member for his explanation, but I would like to say that whatever the papers said was absolutely right—confusion came in your own words.

Well, as I have said, Mr. Speaker, I just want to give the conclusions of the thing and he probably might have an opportunity later on to discuss the pros and cons: I should not like him to go away doubting where the African people of this country stand politically. The African's view is that those of all races who are in Kenya to-day, are here to stay. Further, we believe in a form of government for Kenya on which people of all races can assist in the development.

[The Minister for Community Development]

Thirdly, we have accepted the present position by which Africans play only a small minority part in the Legislative Council, the Executive Council and the Council of Ministers as a necessary starting point. Fourthly, we believe and hope that with the development of the capacities of the African people, they will play an increasingly important part in the Legislative Council, in the Executive Council and in the Council of Ministers.

Mr. Speaker, with those words, I beg to support the Motion.

THE CHIEF SECRETARY: Mr. Speaker, Sir, I welcome this opportunity to restate certain aspects of Government's policy in relation to the Civil Service and, in particular, to the recruitment into the service. The ultimate objective of the Government is to staff the public service as far as possible from its own resources. This was recognized by the Lidbury Commission and, as hon. Members know, the Commission recommended a non-racial salary structure, the grading of posts within the new structure by responsibility and the creation of training grades for local candidates. As a result of this, the advancement of local candidates in the service is limited only by their character and their qualifications and their attainments. But, at the present time, it is not easy to fill all our professional and technical posts with local candidates and we are compelled to rely, to a large degree, on overseas recruitment. Later on, when our educational facilities are more developed, there is no doubt that local candidates with the necessary qualifications will be coming forward in adequate numbers and we shall then be approaching a time when all our technical and professional posts can be filled from our own resources.

Now, Sir, when I speak of necessary qualifications, and of persons being suitably qualified, I do not mean educational and technical qualifications only; we must also take into account qualifications of character. I have said before in this Council, and I say it again, that the first requirements of a civil servant are scrupulous trustworthiness and unimpeachable honesty.

As for the Administration, Sir, we are not at present able to fill all our vacancies locally; and unless there is a radical change in the outlook of people of standing in the Colony, it looks to me as though it will be many years before we can. I will return to this point, if I may, later.

Now, recruits for the administrative service are required to measure up to certain basic standards of education and experience. They must have had a traditional schooling—that is to say at a school which places the same emphasis on character training as the English public schools, and which is not added with ideas about free expression of the personality, or the need to liberate the libido or things of that nature. Of course, in schools of this sort, what Dr. Arnold referred to as "personal correction" plays a certain part.

Next, he is expected to have an honours degree, or its equivalent, and a good record of National Service. If, in addition, he has played football for his college, or he has become a famous climber in the coolins or he has sailed in the Santander Race so much the better. Now this is the standard that we recognize. There are very many ways in which knowledge and experience can be gained which could be regarded as the equivalent of those extra years of education which are represented by a degree. Any persons with any knowledge of the Administration will know how very varied these, as it were, educational surrogates are. They include service as a regular soldier, and service as a magistrate; we have also a schoolmaster and we had a very distinguished botanist. In addition, there is, as it were, a training cadre, if I can put it that way, in which young Africans can acquire the experience which may later on, if their basic education is adequate, qualify them for admission into the overseas service.

The hon. Member for Aberdare is wrong when he supposes that we attach too little value to the local man and too much value to academic attainments. Generally I should say that the local man, who has been brought up in Kenya, and who has had his education here, and has gone home to take a degree, and who has done his National Service, either in this Colony or elsewhere over-

[The Chief Secretary]

is about the best material we can possibly get. But it is not axiomatic that the young man from Timau is better than the young man from the Thames Valley or from Taynault; and we certainly could not agree that the young man who spent the years between his schooling and his National Service in managing a farm is automatically better fitted to the Administration than the young man who has spent those years, between his schooling and National Service, at Oxford or Cambridge. It is for this reason that in the selection of men for the Administration we fall back on the traditional methods of a board: It is an independent board which neither the Government nor the electorate have any control over whatsoever. The task of the board in selecting men for the Administration is to decide whether the candidate has profited from the experience gained as a regular soldier or a temporary district officer, or whatever it may be, to such an extent that he measures up to the standards laid down for service in the administrative branch of the overseas Civil Service. The whole business is rather like picking a university eight. Various boat clubs put up their candidates and they are finally selected by the President of the O.U.B.C. or the President of the C.U.B.C. (I am very relieved to be able to say that in addition to administrative cadets doing a course at Oxford, some also go to Cambridge.)

All prospective candidates go before this Appointments Board. At present it is known locally as the projection of the Secretary of State's Appointments Board; because the full Board does not come here—two or three representatives come—and it is the Board's duty to pick the men who in their judgment are the best. Naturally they take full account of the man's past experience and of his sponsorship. The Board is appointed by the Secretary of State but is not susceptible to any kind of direction, either by this Government or by the Secretary of State. Its members are chosen for their knowledge of men and for their experience in handling and selecting young fellows of the type who are applying for administrative jobs; and from my experience of the Board I consider they are most admirably

fitted for the task before them. To suggest that this Board attaches greater weight to academic records than to performance in the field, is not in accordance with the facts: Hon. Members will be interested to learn that out of the last nine successful candidates, only two had university degrees; the rest were chosen on the experience which they had gained in the field and on qualities of character which were apparent.

In a small country of this sort, I should be reluctant to say anything which might possibly reflect upon individual cases, but I must say that the hon. Member for Aberdare is not tilting, as it were, at possible discrimination, but at the bitter basic fact of human inequality.

If I may return now, Sir, to the question of the orthodox method of entry into the Service—and I refer here to future normal times, if this century ever does release us to normal times and allow us to achieve that look of complacency which our Victorian grandfathers were so lucky as to have—it has always been a matter of great surprise to me that there are not very many more young men from Kenya in the Administration than is, in fact, the case. Every year a number of young men, either from the Prince of Wales School, the Duke of York or St. Mary's or from English public schools, go to the universities, and I suppose in the last 30 years there must be 100 or 200 young men who have qualified, but less than a score have applied for the Administration Service. Those we have, as I have said, are of the best possible material, and we badly need more. It is not a question of their having applied and been rejected. They just have not applied. This, I suggest, is a matter upon which hon. Members opposite might well ponder.

I now come, Sir, to the question raised by the hon. Member for Central Electoral Area some time last week—on the question of the Civil Service Commission. It is not really necessary for me to amplify the concise and lucid account of the machinery of the Commission which was given by my hon. friend the Secretary to the Treasury, but I should like to reassure the hon. Member for Central Electoral Area on one or two points. First of all, the criticism that Selection Boards generally consist of one member

[The Chief Secretary] of the Commission and the head of department; the intention is that these boards should consist of two or three members of the Commission, of the head of department in which the vacancy exists and such other person as the Chairman of the Board may appoint in any particular case. In practice I admit that members of the Commission have not found themselves to be able to be as regular in their attendances as we could have wished. Out of the 180-odd Boards held so far, approximately half have been attended by the Chairman and one member and approximately half by the Chairman and no members at all. The fact that in most instances the member who assisted the Chairman was a European, is not part of any sinister plot to sabotage the multi-racial nature of the Service. It so happens that the Asian member and the African member find it less easy to escape from the trammels of their business than does the European member. But I agree with the hon. Member for Central Electoral Area that the present position does leave a good deal to be desired. If it becomes apparent that the Commission's efficacy or good repute is in any way suffering, we shall not hesitate to make such alterations as we think are necessary, either to the Constitution of the Committee or to the procedure followed by it. Hon. Members will of course have an opportunity to debate the matter and a system of alternative membership, as suggested by the hon. Member, will be considered along with other possible improvements.

With regard to his second point, which concerned the publication of the names of successful candidates, I hardly think this is necessary. Every member is informed individually of his success or failure and that, in my opinion, is enough. The Boards and Commissions and Advisory Councils which now form the outer ring of defences around the Ministries do an admirable job and we are deeply indebted to the public spirit of those who serve upon them, but they do produce a paper nuisance—comparable to the smoke nuisance of those factories which now encircle London, and it is our duty to introduce paper abatement measures whenever we can.

While dealing with the Civil Service side, Sir, I should like to refer to some

of the criticisms made by the hon. Member for the Coast, in particular the rather irregular hours kept by the clerks in the Central Government offices. I admit that this does present a problem and I am hoping to solve it by some readjustment of the hours in the working day. I must say, in justice to those who do leave at a quarter to one, that traffic conditions in the city between a quarter to one and one are quite intolerable; we must remember, too, that there are these days a number of married women working in the Government service who have to hurry home to their various responsibilities. I am not complacent about the matter, however, and it is, as we say, under consideration.

I should not like the same criticism to be applied or to be thought to apply to Government clerks serving in out-stations. I should like to pay a tribute here to the painstaking hours of overtime, often in very uncomfortable conditions, undertaken by the Asian clerks, especially Goan clerks. I do not suppose there is a senior officer in the Administration now or in the past 20 years who is not indebted to those models of probity and wisdom in the Goan community who taught us our job. They are some of the finest men the Colony has produced and it will be a sad day for us when they cease to be there to advise the young men.

On the question of personal economy and the lavish expenditure on luxury goods by those who are lucky enough to receive Ldibury arrears, I think I should point out that it is not the Government servant who is cutting a dash in night-clubs and with luxury goods; the poor fellow is primarily concerned to educate his children and stay out of debt.

I will now turn, Sir, to the question of Information Services. The hon. Member for Mombasa has taken me to task over the alleged neglect of the East African Travel and Tourist Association by the Information Department. Let me make it quite clear, Sir, that I did not undertake to co-ordinate all matters connected with tourism. That would have been an impertinence on my part, for the matter is under the very skilled guidance of my hon. friend, the Minister for Commerce and Industry. What I did do was to give an undertaking that if the East African Travel and Tourist Association wanted

[The Chief Secretary] help from the Information Department, I would ensure that they got it, and as far as I am aware, they have had all the help that they have asked for. If, however, they feel they have been neglected or been treated ungenerously, their proper course is to see me and ask for my help or, if necessary, see my hon. colleague, the Minister for Commerce and Industry. It is hard to see how the association can be helped by a moan, however genteelly modulated, from the hon. Member for Mombasa. I have no sympathy at all with this kind of political approach. As I have said, all the association has to do if they feel they have a grievance, is to come and see me and I will do my utmost to remedy it. I am reminded of the little poem of Kipling, the origin of which for some reason escapes me, which would apply to this: "The sole of the kettle has sprung a leak; not having it mended made it worse. We haven't had any tea for a week and the bottom is out of the universe".

As for the question of the booklet to be produced by the department, I am perfectly ready to give all the help I can, but the Information Department cannot be expected, indeed it is not its function, to spin material of that sort out of its stomach like a spider producing its web. If the association would like a booklet, let them marshal their facts, decide upon the policy, and present them to the Information Department; I promise we will give all the help we can in producing a booklet.

A second point raised in the course of this debate also dealt with Information Services. The hon. Nominated Member, Mr. Tyson, referred to the view which had been expressed to the Kenya Broadcasting Commission by a number of Europeans and Asians, that broadcasting should be organized on an East African basis. I agree that, other things being equal, it would be a very rational method of handling the European and Asian national programmes; and, indeed, had this matter arisen 30 years ago I have little doubt that this end would have been achieved. But by 1954 both Tanganyika and Uganda had well-established broadcasting services and they could hardly be expected to abandon them and start again in Nairobi; nor, I imagine, would we have been

willing to move our broadcasting headquarters to Dar es Salaam, or to Kampala. There is a further objection to interterritorial broadcasting, in that it cannot provide properly for the needs of the African services. We already broadcast from Nairobi in six different vernaculars, from Nyeri in Kikuyu and from Mombasa in Swahili and Arabic, Tanganyika and Uganda have just as great a range of vernacular languages which they too must cover and it would not be practicable to have a central station for a score of African vernacular programmes; the staffing problems and studio problems would be far too great and it would be almost-impossible to keep in proper touch with the receiving end. In the same way, it would be neither convenient nor economical to establish a regional station in, say south Tanganyika and to attempt to administer it from Nairobi.

This increasing demand for regional stations and vernacular services is one which we shall have to meet and which we are, in fact, meeting. The needs of Nyanza clearly cannot be met from Nairobi; indeed the hours in which one can profitably broadcast over the African service are so crowded that we are limited to a transmission time of three-quarters of an hour a day for the whole of Nyanza Province. This three-quarters of an hour is divided into a quarter of an hour for Dhaluo, a quarter of an hour for Luluba; and a quarter of an hour for Kalenji; this time could only be increased at the expense of other and equally important programmes directed elsewhere in the country. To remedy this position, we propose to establish a broadcasting station in Kisumu and to transmit from it programmes especially designed to meet the needs of Nyanza Province. The Director of Information is at present in Nyanza studying the various technical and administrative problems connected with the proposed new station.

ADJOURNMENT

THE SPEAKER: Now the time for normal interruption of business has come. Council will adjourn until 2.30 p.m. tomorrow, Thursday, the 27th October.

Council adjourned at fifteen minutes past six o'clock.

Thursday, 27th October, 1955

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

(Mr. Speaker in the Chair)

PRAYERS

ORAL NOTICE OF MOTION

THE MINISTER FOR AFRICAN AFFAIRS: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

WHEREAS it has not proved possible within a period of four months after 30th June, 1955, to prepare and transmit to the Controller and Auditor-General (i) the Appropriation Accounts required by section 23 (1) (b), and (ii) the statement of receipts and disbursements of revenue required by section 23 (1) (c) of the Exchequer and Audit Ordinance, 1955, for which the Secretary for African Affairs is the accounting officer and the receiver of revenue, BE IT RESOLVED that this Council appoint a further period of one month for the transmission of the said accounts and statement to the Controller and Auditor-General in accordance with the general provisions of section 23 (1) of the said Ordinance.

ORAL ANSWER TO QUESTION

QUESTION No. 21

MR. COOKE asked the Chief Secretary to state:—

- (a) The overseas and local leave to which Ministers are entitled; and
(b) Are passages paid in all cases?

THE CHIEF SECRETARY: The present arrangements for ministerial leave are as follows:—

- (a) Ministers are allowed to proceed on vacation leave after completing a period of 24 months' residential service;
(b) Ministers are eligible for vacation leave at the rate of five days for each completed month of residential service;
(c) When proceeding on or returning from vacation leave, Ministers are allowed free air or sea passages inclusive of family up to

the cost of three adult passages to the United Kingdom; and

- (d) Ministers are eligible for 12 days' local leave per annum.

MOTION

SEPARATE DEPARTMENT FOR ROADS BRANCH OF PUBLIC WORKS DEPARTMENT

MR. COOKE: Mr. Speaker, Sir, I beg to move:—

BE IT RESOLVED that this Council urges that in the interests of economy and efficiency the Roads Branch of the Public Works Department should become a separate department implementing the policy of the Road Authority.

Sir, in its report the Royal Commission devoted something like 20 sections to road policy in East Africa which shows the measure of importance that those distinguished gentlemen gave to roads in this country. I suppose, Sir, there are two main factors which contribute towards good roads—the first would be adequate finance, and the second, as I see it, would be the proper administration and the business-like administration and the wise administration of that finance. It is with the latter of those two points that I am concerned this afternoon.

I feel that in order, efficiently, to administer the finance, the machinery set up must be as business-like as possible. Now perhaps I may explain very shortly what the position with regard to roads is in Kenya to-day. There is, as all Members know, a Road Authority which was set up a few years ago and the function of the Road Authority is to collect certain moneys that have been set aside by statute and to dictate the policy, the road policy, of this country. To implement that policy, the Road Authority have as agents, as Members well know, the Public Works Department and there, in my humble submission, lies the rub; the Public Works Department is administered by the Director of Public Works whom, without any disparagement, if I may use the term, is a "jack of all trades". He is an engineer administering various branches of the engineering faculty, or whatever you

(Mr. Cooke) would like to call it; he is a structural builder of houses; he is a hydrologist, and takes an interest in roads and so on. If he happens to be a man who takes, for instance, a greater interest in hydrology than he does in roads, it is purely human that he would devote more of his energies to that particular branch of his department. Therefore, it seems to me, and my Second, that it is necessary to create a separate department whereof the Director would have a direct interest in the carrying out of road policy.

At the moment, under the Director of the Public Works Department, there is a Deputy Director, and, I think, under the Deputy Director comes the Road Engineer. We feel, some time ago we felt, that the Road Engineer should, at any rate, be equal in powers with the Deputy Director of Public Works, and, indeed, the Libbury Report I think awards him, or recommended, that he should get a higher salary. At the present moment it is the decision of Government that he gets a slightly lower salary than the Deputy Director of Public Works and, therefore, he is, both in disciplinary purposes and from salary purposes, as it were, number three. We feel that that alone it is an invidious position to put a man of high technical qualities—as one would wish a Road Engineer to be.

The difficulty is, as I envisaged before I started, that one wants in the Roads Department a man who has given a life study to that very important branch of engineering—road making. It is a life study in itself and you have the anomaly to-day—it occurred at the Coast recently—where the head of the Road Branch at the Coast, who was a comparatively junior officer, comes under the divisional or district engineer who may not know the first thing about roads. It naturally does not lead to efficiency when you have a position such as that. We, therefore, recommend, in this Motion to-day, that there should be set up a separate department. We live to-day in an age of specialization—a physician for instance, or rather a surgeon, he may be good at heart operations, or stomach operations, or lung operations, but very few are good at all three. Naturally, specialization takes place and the man who is

good at one mainly confines himself to that branch of surgery. It is felt that the same thing should apply in such an important matter as engineering.

The good men who are keen on road-making feel frustrated if, for instance, their energies are diverted to some other form of engineering. I know one case, indeed a relative of mine, who came out here soon after the war, who had taken a very distinguished degree in that branch of engineering and had served as a sapper in Italy and had learnt a lot of engineering and road-making from the Italians, who are probably the best road-makers in the world, and, when he joined the Public Works Department for the first two or three years he was mainly devoted to building houses for the clerks in the office, with the result that he resigned and is now getting about twice the salary in Australia as a road engineer. That is just an example of what happens.

We had the other day, a few months ago, the resignation of quite a distinguished road engineer, Mr. Wheel, because he also felt frustrated, both as regards pay and with regard to various other matters, and he at once got a very good job in one of the big construction companies in Rhodesia. So, therefore, there is a double pull on any efficient engineer we get into this country—the Government of some other Colony is pulling at him from one side, and on the other side these big construction companies are trying to get hold of his services. Fortunately, in this case, we were able to repair the omission, if I may call it that, by another able road engineer who is now in charge, but there are signs that one or two men, junior to him, will possibly resign later on unless this feeling of frustration is taken away. We feel that we cannot afford, in an emerging and developing country such as this which has got the most tremendous possibilities in front of her, that we cannot afford to have anything less than the best administering our roads.

The importance of roads, I think, has not really been—I am not going off the track now—really properly, one, really has not understood properly the importance of roads. For instance, if one takes the Swynnerton Report, which we were

[Mr. Cooke] told yesterday, we got some very good news yesterday, that it is ahead of time, but is it ahead of time as regards those roads which will have to take the produce which we expect to come from the development of the Swynnerton Plan; or will we find, and wake up and find some fine day, thousands of tons of produce in the African reserves which cannot be moved on account of bad roads? I only instance that as an example of the urgent necessity of getting on with road work. Unless we can get the most efficient agents to carry out that road work, envisaging as most of us must, that there will be large sums available—with all due respect to my hon. friend, the Minister for Finance—there will be large sums available later on; that we want to see that those sums are expended most efficiently and most prudently. Therefore, we ask to-day that there should be set up this department, entirely separate from the Public Works Department—this is no reflection whatever on Mr. Browne as the Director of Public Works that we ask for this as we had been asking for it before he came to this country—that they should be well paid officers, and that the Roads Branch be completely separate and that the people who enter the Roads Branch should have reasonable prospects of going ahead without frustration and without any other kinds of misgiving.

Therefore, Sir, I take pleasure in moving this Motion.

MRS. SHAW: Mr. Speaker, Sir, in seconding this Motion, I strongly support what the Mover has said and if in doing so I repeat some of what he said, it is only indeed to underline the urgency of the matter. Added weight, of course, was given to the Motion by the Proposer being a member of the Road Authority. I know that I am expressing the opinion of the majority of that Authority when I say that it is imperative that an examination of the best methods of divorcing the Road Board from the Public Works Department should be undertaken without any further delay.

The Royal Commission Report has shown a sound although imaginative approach to the problem of communications throughout the East African territories, in suggesting that in order to

co-ordinate technical skill and specialized knowledge all roads should come under a special department to be known as the East African Road Corporation. I only quote the opinion of this team of experts, Sir, because it supports my contention that it requires a specialized department if your road programme both of development and maintenance is to be carried out with greater efficiency and economy.

In Kenya, in 1947, the realization of the need for constructive road policy to take the place of the rather haphazard development of the pre-war period, led to the appointment of a Committee to examine the possibilities of setting up a Road Authority. The Committee, after long and protracted discussions, produced their final report in 1949 and, as a result, the Road Authority came into being. This was a progressive step and in 1952, I imagine as a result of that recommendation, it was decided to reorganize the Public Works Department into branches. This was also a step in the right direction but it did not go far enough and, as a direct result, we are to-day faced with a serious threat of a breakdown of our Roads Branch. It is common knowledge that within the last few months we have lost three of our most skilled road engineers, and I believe it to be true that all told seven road engineers have been lost to the department. To the layman, when this sort of thing happens, it is obvious that there is something wrong with the direction of that department and I submit that such a state of affairs calls for an immediate inquiry into the running of the department to discover the cause of the trouble.

But I will confine myself to the purposes of this Motion, which is the separation of the Roads Branch in a great measure from the Public Works Department.

Now the reasons, as the hon. Mover has said, for the urgent necessity of this step is that under the present system there is no prospect of promotion for the man who is a specialist. For instance, although a road engineer, in order to build roads capable of standing up to modern transport must be a highly skilled engineer with a specialized knowledge, but under the present set-up as you have

[Mrs. Shaw] heard the only promotion open to such a man is to become a divisional engineer, where his specialized knowledge as a road engineer may be lost as he spends over half his time in supervision of buildings or some other Public Works Department activity. Such duties do not call for a specialist but could be undertaken by a man with a general knowledge of engineering. Or vice versa, your road policy and its application in the divisions may be, and too often is, at the mercy of a man whose only experience is of general engineering, instead of in the hands of a highly skilled technician—a specialist in road work. That is why, with their hope of promotion blocked, we have lost, and are in danger of losing, so many of our road engineers. So, in our opinion, there must be a divorce of the Roads Branch—a divorce, though it may only be partial at headquarters, must be complete in the field; for in all cases of divorce there arises the question who shall take care of the children? It has been suggested that in order to avoid duplication and the setting up of a cumbersome new department, expensive to run, the divorce although complete in the field must only be partial at headquarters, but the accounts might still be under the Accounting Branch of the Public Works Department.

A proposal of a simple nature would be as follows: the Road Authority under its Chairman, as a policy-making body; then the Roads Branch under the Senior Road Engineer, directly responsible to the Road Authority for carrying out the approved policy; the provincial Road Divisions under the Road Engineer directly responsible to the Senior Road Engineer, head of the Roads Branch. This is a simple set-up but one which would ensure that the policy decided on by the Roads Authority would be carried out by men skilled in the science of road construction, a highly technical science and it would ensure that their specialized knowledge would not be lost but would be used exclusively on the road work. But, in order to attract the best men, might I suggest that the proposal, which I believe was once put forward by the hon. Mover on another occasion, be examined, that is the proposal that there should be some

form of recognition of specialized technical skill. I know that all hon. Members will agree with the Planning Committee's Report—though I am rather afraid to mention the Planning Committee after yesterday's debate—when they say that roads are a pre-condition of development.

The matter of finance, as the hon. Mover has said, is certainly one of our greatest problems and to quote the Road Authority, a Report for 1953/54, with your permission, Sir, it says, "In the opinion of the Road Authority greater expenditure on road development is necessary if roads are to play their proper part in the general development of this Colony. Unless more money is forthcoming for maintenance and betterment of existing roads and the bituminization of main-trunk roads, there will be a danger of development in agriculture and industry running ahead of communications and nothing could be more damaging to progress in a young country such as Kenya."

But, in my opinion, Mr. Speaker, that is only part of the trouble, for a large part is the inefficiency of the present set-up. So, Sir, I commend this Resolution to Council which would result, from its recommendations being carried out, I am certain in a more effective use of the money available with a genuine improvement in the development and maintenance of the Colony's roads.

Mr. Speaker, I beg to second, pleading the urgency of the matter.

Question proposed.

MR. MACKENZIE: Mr. Speaker, Sir, I listened with great interest to the speeches that have just been made by my hon. friend, the Member for the Coast, in proposing this Motion and by the hon. and gracious lady who seconded.

There is a very great deal in what both the hon. Members have said with which it must be possible for those of us on this side of Council to agree. We are, for instance, fully aware of the importance of good communications for the development of this Colony and we are equally, almost painfully I might say, aware of the fact that that cannot be done unless there is adequate finance and

(Mr. Mackenzie) good administration. We are also very much aware of the fact that it is necessary to be able to keep our good engineers to carry out the road work of the Colony.

So far as the finance is concerned, as my hon. friend, the Mover of the Motion, said, this debate is not dealing with that; although I think, Sir, everybody is aware of the position so far as finance is concerned.

As regards the administration, there are, of course, a considerable number of difficulties. At first sight, it would appear that there was a great deal to be said for the splitting of the Roads Branch from the Public Works Department completely so that it would be able to concentrate entirely on roads and would not have things like aeroplanes and aerodromes to worry about at the same time; but that it should come under the direct authority of the Road Authority who would thereby be able to make quite sure that their policy was being carried out effectively. There are various attractions about such an idea; for instance there is the attractive idea that the Authority would then be able to say exactly what it felt was a reasonable sum to pay in order to get the sort of men it needed. But I think, Sir, that there are a good many difficulties about that. We all think that roads are extremely important so obviously we must see to it that we get road engineers. There are, however, a lot of people who would say that, shall we say, water development is equally as important as roads. The question, therefore, arises, do we have to pay similar high salaries, or what should the differential be? And, of course, even buildings at certain times—for example when camps are needed for the forces during the Emergency—can become of the utmost importance. There, again, one comes up against this question of relativities.

I do submit, Sir, that before any question arises of suggesting that an Executive Road Branch directly under the Road Authority could be paid some higher rate of inducement salary than can be paid under the existing system, it would be very necessary to bear in mind the possible repercussions, not only on the engineers who are badly needed for all kinds of work, but on the various

other professional branches of the service. Of course, there is the suggestion that the hon. and gracious lady, the Secretary, mentioned, the possibility of paying additional allowances, or additional pay, for special qualifications. That has, I think, been dealt with in the report of the Lidbury Commission in so far as certain scientific posts were concerned and, of course, it has been adopted as regards the Medical Department. The question of applying it to any other branch of the service is naturally one which would have to be again gone into with the greatest of care, because it is one that could so easily be extended to almost every officer holding a professional or technical qualification. For that reason the question of extension would have to be very carefully considered. But quite apart from that, Sir, that could be done without necessarily causing the Roads Branch to be divorced from the Public Works Department. I think, Sir, that now one comes to the crux of the matter.—If the Roads Branch were to be divorced from the Department would we, in fact, be certain of obtaining greater efficiency.

Before dealing with that point, Sir, which is one that has been dealt with on several occasions by quite high-powered committees in this Colony—before going on to that, I would like just to mention in passing that I very much doubt whether the partial divorce which has been suggested would be a possibility. I think that it would be found that to have a branch which was responsible to one authority for everything except the keeping of its accounts would leave, whoever was responsible for the keeping of the accounts, in a somewhat impossible position. In order to keep the accounts properly the accountant has got to be able to go into the question of whether any expenditure is properly authorized or not and, of course, he has equally got to be able to satisfy the accounting officer to whom he is responsible that that is being done before the accounts can be signed. One could very well envisage a situation, I agree, in which, shall we say, the chief accountant of the Public Works Department kept two different sets of accounts, but I think it should be realized that he would have to keep completely different books for the two operations and that it would, in effect, if not in practice, mean the

(Mr. Mackenzie) setting up of the second accounts division.

Now, Sir, I would like to come to the more general points regarding this suggestion that the Roads Branch should be divorced from the Public Works Department and should be set up on its own under the Road Authority. The question was gone into in 1948 when we had a Commission of Inquiry into the Public Works Department, and I think that the eventual setting up of specialist branches can in actual fact be traced back largely to that Commission. The Commission considered the suggestions that had been made—that one could not have efficiency under the existing system whereby you had these divisional engineers who were jacks of all trades, dealing with such various things as roads and water and buildings and drainage and dams and all the other things the Public Works Department have to deal with, and which at the periphery, very often have got to be dealt with, at any rate under the general administrative control of the same man. The Committee considered that, Sir, but it came to the conclusion that the arguments against setting up the department outweighed those in its favour. There were various reasons for this, Sir. The first, I think it is a very important one, was that there can be no guarantee that the formation of three separate departments, one for roads, one for water and one for the rest of the Public Works Department work would lead to any greater efficiency. On the contrary they suggested it might well lead to greater extravagance in men, materials and resources. Moreover, the Commission said, "we believe that it would result in initial inefficiency while the three branches were being reorganized as separate departments both at Headquarters and in the divisions."

Their second objection, Sir, was, they said: "As regards the projection of the Public Works Department into divisions, we consider that there might be too many engineers in the districts and insufficient work for them to do. Admittedly," they said, "there would be no need for three divisional engineers for roads, buildings and hydraulics in every division, but the more important divisions would require the triplication of staff which could not, in our opinion, be

justified at the present stage of the Colony's development."

The third objection, Sir, was that it would be difficult to separate the department into three departments without splitting the ancillary services, of stores, accounts and workshops. "It has been suggested," they said, "that a single stores and accounting section might serve all three departments but we do not think this is a practical proposition." I think, Sir, that that is a most important expression of opinion by this Commission which went into the matter at very great length and, I think, there can be little doubt that the setting up of three different stores divisions and different accounting sections, would lead to a very considerable amount of expense.

There was a fourth objection which the Commission raised, Sir. They said that the present heads of branches who are now able to concentrate on technical aspects of their work, would, if converted into heads of departments, have to spend a large part of their time as administrators of those departments. The argument, of course, there is that at the present time the heads of branches concerned are able to rely on the general services of the Public Works Department for accounting, establishment work, stores and all that kind of thing and it does mean that they can get on with their jobs instead of having to spend most of their time sitting at desks, pushing pens and dealing with things that any competent administrator, without technical training could do, if necessary. As it is at the moment they have all that done for them by the various services of the department acting under the control of the Director.

The fifth objection which the 1948 Committee found was that in the event of economic depression, it might prove necessary to change over to a policy of retrenchment in which case, they said, "the three separate departments would in all probability have to be amalgamated again."

Then finally they came to what they called the very important financial considerations. They said, "We examined these in some detail and came to the conclusion that a complete split into three departments would involve an

(Mr. Mackenzie) additional permanent recurrent expenditure of something between £100,000 and £150,000 per annum. Furthermore that it would require considerable new capital expenditure on buildings and equipment. The sum suggested to us under this Head was £250,000, but in view of the large addition of recurrent expenditure involved we did not consider it necessary to pursue this aspect of the matter to any close quantitative conclusions.

Now, Sir, I agree that to-day we are merely dealing with the suggestion that one branch of the department should be divorced from the rest, but we have also got to remember that those estimates which I have just quoted were worked out in 1948 and to-day there can be little doubt that they would be very much more than they were then; even the cost of setting up a separate Roads Department would, so far as capital and recurrent expenditure is concerned, be a great deal higher than it would have been in 1948.

The Commission of 1948 concluded that although a division of the Public Works Department into separate departments might eventually take place in course of the general development of the Colony, the increase in population and ensuing expansion of roads, buildings and water services, the weight of argument was against such a separation at that time and they recommended that the various branches should continue to operate under the general supervision of the Director.

That was seven years ago, Sir, but I do not think that there has been any such change in the general arguments as to negative the objections which the Mayne Committee made at that time. I think that on the whole one must accept that their objections were very well founded; and I think, Sir, there is no doubt about it, that the present system could work very well given certain desiderata and, in fact, does work fairly well on the whole at the present time.

The question that is before us to-day was gone into by the late Director of Public Works, Mr. Taylor, in 1953, and he examined all the objections that had been put forward and then he concluded that, where properly worked and where every member of the staff has a clear con-

ception of his duties and responsibilities and is inspired with departmental loyalty and determination to make it work, an organization based on the divisional system is the most efficient and economical form of organization.

That was the opinion of the last Director of Public Works who had had very great experience in dealing with these things, both here and elsewhere, and I think that that opinion should be taken into consideration before any decision to make any drastic change is reached. At the same time, Sir, the Government does not believe that everything in the department always runs absolutely as smoothly as it should and in fact, in no department does one ever find that there is no room for improvement. We have a great deal of room for improvement everywhere in administrative routines and for that very reason there is at the present moment an Organization and Methods Team going round and looking at the workings of the departments to see what can be done to improve them. I think that no doubt there is scope even in the Public Works Department for that kind of inquiry and I am quite sure that when my hon. friend, the Minister, replies to this debate, he will be prepared to consider something of that kind.

Sir, I do not think there is anything more for me to add except to say that in its present form, I do not think that I shall be able to support this Motion.

GROUP CAPTAIN BRIGGS: Mr. Speaker, Sir, first, may I say as a member of the Road Authority, I entirely support what has been said by the hon. Mover and Second of this Motion. Also as a member of the Road Authority may I say that I believe the acceptance of this Motion is not merely desirable, but I believe it is absolutely necessary if the Road Authority is to function with any degree of efficiency whatsoever.

The hon. Member who has just spoken, I hope he will not mind me saying this, it seems to me that he has gone to infinite pains to dig up all sorts of facts and difficulties with which to fog the real issue. The real issue, as I see it, is this. The Road Authority has the handling and is responsible for the expenditure of very large sums of public money. I do not believe that under the present set-up, it is

(Group Captain Briggs) possible for them to expend that money either efficiently or to maintain the roads in good condition and carry out the development as it should be carried out.

The Road Authority consists of a number of people of some experience and it is their considered opinion that this step is a very necessary one and, I think, if the Government again turn it down lightly, they are going to make a very grave error. I may say so far as I am concerned, I cannot speak for any other members of the Board, that if such a course is going to be taken, I personally would have to consider very seriously whether I could continue to be a member of the Board because I do not believe that unless the step which was proposed in this Motion is taken that we can possibly have an efficient Roads Branch.

Mr. Speaker, I beg to support.

MR. CROSSKILL: Mr. Speaker, Sir, I think the speech we have just heard from the hon. Secretary to the Treasury is one of the most sympathetic but unconstructive barrages of verbiage that I have ever heard in this Council. I think it quite missed the point. He was sympathetic and he felt the need for good communications but was not prepared to do anything about it. There was no alternative constructive measure suggested.

The second point I should like to make, Mr. Speaker, is that I feel it was ominous that the reply was made by the Secretary to the Treasury. I feel it is ominous because it is a further sign of financial dictatorship and I should like to see that it is answered by a more authoritative Member of the opposite benches.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: You will, you will!!

MR. CROSSKILL: A red herring was drawn across the track; the hon. Member, Sir, said that this was necessary because all the road engineers were leaving; why then did he not suggest that the Water Branch of the Public Works Department should be separate. Well, Sir, that was a complete red herring, be-

cause the water services are adequate—the road services are not. The most appalling thing, Mr. Speaker, to my mind, was the fact that the main evidence to refute this necessity, and we contend it is a necessity, was evidence from the 1948 Committee. Now since that date, Sir, there has been established the Road Authority. The Road Authority, I emphasize that second word; surely they should be the authority whom we consult at the present time on the advisability or otherwise of taking steps. Now this is supported and put forward with all vigour by the Road Authority. I fear, Sir, that we have had no logical reason, as yet, why this could not be accepted and I presume Government, Sir, intends to bring forward one of the Public Works Department steamrollers to steamroll this Motion.

I beg to support.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, I trust that my hon. friend, the Member for Mau, will not see something even more ominous in the fact that I am now about to speak.

Mr. Speaker, dealing, I think, first of all, with the speech that has been made by my hon. friend, the Secretary to the Treasury. What, in fact, did that speech say? It said, Sir, that in 1948 we had a Commission headed by a very competent man, Sir Morley Mayne, which took a great deal of evidence in this country and which arrived at the conclusion that the fragmentation of the Public Works Department would cost the country something like £150,000 a year more plus a burden of some £2 million of capital expenditure. Those figures were based, Sir, upon the levels of that particular time. Now, Sir, it is easy to say that that was 1948, and that many things have happened since that time. But nevertheless, Sir, the fundamental investigation was based then upon a request, and on some quarters a belief, that this would lead to economy and efficiency. The weight of that particular Commission then came down extremely heavily against it on the grounds that it would cost far more money and would not, indeed, lead to greater efficiency. I am afraid, Sir, that weight must be given to an investigation of that type which took place over several months,

[The Minister for Finance and Development] which was unbiased and which showed no case of special pleading for any section of any department. But, Sir, time passed—

GROUP CAPTAIN BRIGGS: Mr. Speaker, I thank the hon. Member for giving way, but I was going to ask him if he would say what investigation has been carried out to find out what savings would be effected in the expenditure of the money by the Road Authority if the proposal were adopted.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Yes, Sir, I will now go on to the next point, Sir, which was that when we had as our Director of Public Works, Mr. Taylor, I asked for an investigation to be undertaken by Mr. Taylor on these very points. Now, Sir, Mr. Taylor was an outstanding Director of Public Works. I can remember hon. Members opposite paying him compliment after compliment when, through his determination to reduce the expenditure, he effected a very considerable saving in the Vote of the Public Works Department. Mr. Taylor, who had no axe to grind because he was well aware that he was leaving, he was only on contract, that he was leaving and going away, came down with, again, a very objective review of many pages as to the value of this step, (a) to the department, and (b) to the country, and (c) on the efficiency of the work which was to be carried out. Sir, it is easy to brush on one side the words that my hon. friend, the Secretary to the Treasury, read aloud. But there can be no question about it that Mr. Taylor, an experienced administrator who stood high in the regard of everybody in his profession, came down very strongly on the point of fact that there was no need of this fragmentation, if all members of his department would work together loyally and steadfastly as a whole.

Now, Sir, the point arises that in Mr. Taylor's opinion the present suggestion put forward by the hon. Member for the Coast would mean a duplication of staff in many cases. It would mean the duplication of buildings, of stores and of accounts and it would lead to a considerable burden of expense which would, Sir, have to be carried by the Road Authority, because there would be

no other place in our present financial position from which money could be drawn. His opinion must be given due weight and due consideration.

Now, Sir, again, and hon. Members of the Estimates Committee are well aware of this, we are now considering a third report which will in due course be presented to this Legislative Council and I will say no more than that that report again has come down against any fragmentation and division, such as is suggested in the Motion before us. So that there we have had three investigations, all of which have put up the red light that this will cost more money and will not lead to greater efficiency. So that, Sir, it becomes extremely difficult, purely in the light of special pleading, to ignore those reports and those conclusions without very considerable thought. My hon. friend, the Member for the Coast, has a point which my hon. friend, the Minister for Works, will deal with when he speaks on this matter. His Motion has left no loophole such as consideration should be given to whether this should be done. He has, indeed, faced us with a flat Motion that this should be done and in the light of the information and in the light of the three investigations which have taken place, it is impossible for the Government to accept that as something which from one short debate can be taken and carried into action overriding the many warnings we have had from distinguished technical people of proved capacity as to the danger, both financial and otherwise.

Then, Sir, there is a point which my hon. friend, the Member for Local Government and myself are very, shall we say, of which we are very conscious and that is that surely the time will come when more and more would it be possible, we hope, for local government authorities to carry out work of this kind, acting as they act in the United Kingdom system, and neither my hon. friend nor myself would wish that anything should be done at this stage to damage that possibility. I have, I think, Sir, quietly implied the point that my hon. friend, the Minister for Works will make. But the Government is not rejecting the Motion in its spirit, but it must reject it. I think, in its present form which calls for a decision to be made by the Council to-day, a decision

[The Minister for Finance and Development] which is contrary to all the professional and technical advice that has been placed before the Government, not only by those distinguished people who have been in its service, but also by those independent commissions whom the Government and this Council appointed to consider the position.

MR. MATHU: How many?

THE MINISTER FOR FINANCE AND DEVELOPMENT: My hon. friend, the Minister for Works, will, I think, deal with that point because that is his responsibility as a Member of the Government front bench.

Sir, in its present form I must oppose the Motion.

THE MINISTER FOR WORKS: Mr. Speaker, Sir, quite a few of the points which have been made by the hon. Mover of this Motion and the hon. and gracious Member for Nyanza have been dealt with by my friend, the hon. the Secretary to the Treasury, and the hon. Minister for Finance. There are, however, Sir, two or three points with which I wish to deal before I go on to the main part of my work.

It has been suggested, Sir, that it has been the unanimous opinion in the case of the Road Authority that this branch should be completely separated from the Public Works Department. I may be mistaken, Sir, but I do not seem to have seen any official resolution which has been passed by the Road Authority laying down that the Road Authority should be separated from the Public Works Department.

MRS. SHAW: Mr. Speaker, Sir, will the hon. Member give way? I think he was misquoting what I said. In actual fact I did not say the unanimous opinion. I said that I believed that the majority of the members of the Road Authority were in full support of that idea.

THE MINISTER FOR WORKS: I thank the hon. Member, but I was not really referring to her when I made this point. I think the hon. Member for Mount Kenya made that point that it was the unanimous opinion that the Road Authority should be separated, and I

reiterate the point that I do not seem to have seen any resolution passed by the Road Authority, either unanimously or by a majority, where they have definitely voted this step. It therefore seems, Sir, that the hon. Member for the Coast and the hon. and gracious lady, the Member for Nyanza, and also the hon. Member for Mount Kenya, are all basing their contentions on something which they feel is the correct procedure—that is, to say, to separate the Road Authority from the Public Works Department. Their position is, Sir, identical with mine. I feel that, taking into consideration the various reports which have come into my hands since I came into the Ministry, that the technical advice is contrary to that view, and, therefore, Sir, unless I am convinced that it is in the best interests of the country that the Road Authority should be separated from the Public Works Department, I regret, Sir, I cannot possibly advise the Government to agree to this proposal.

Now, Sir, it has been stated that several engineers of the Roads Branch—and probably one of its chief engineers—left the service and joined private enterprises. I am fully aware of that fact, Sir, and also the fact that other engineers in the last few months have taken that course—to go and seek employment with private enterprises, or with concerns which are not under Government control—but then, Sir, this comes down to absolutely the rock-bottom facts of finance. Are we, Sir, in a position to afford the salaries which private enterprise and big firms of contractors are in a position to offer to engineers?

MR. COOKE: Yes!

THE MINISTER FOR WORKS: If, Sir, my hon. friend says "yes", then he must, Sir, realize that as soon as you give way—at least in one branch of a Government department—to this demand for increased salaries comparable with private enterprise, the other departments are going to be put under pressure, and I can assure the Council, Sir, that we shall find ourselves in a position where we shall have seriously to think and consider to bring forward another Lidbury Commission.

The hon. Member for Mount Kenya said that, having worked in the Road

[The Minister for Works]

Authority, and having seen what he has seen, he is unable to carry on unless Government does something to improve the situation by raising the salaries—

GROUP CAPTAIN BRIGGS: Mr. Speaker, Sir, I did not say I would not carry on. I said I would have to consider whether I would carry on.

THE MINISTER FOR WORKS: I stand corrected. He said he would consider seriously whether he would continue to serve on the Authority. Well, Sir, I think that he would be making a big mistake, Sir, if he took any action just based on the instinct which he feels is the instinct to separate the Road Authority because, apart from the various reports which are at the disposal of most of the Government and of the hon. Members opposite, there are no data—facts—which go to show that the separation of the Road Authority from the Public Works Department is going to result in any efficient working of the Authority.

I would also, Sir, say that, as far as the recruiting position of the road engineers is concerned, it is not bad, in spite of the facts that have been mentioned from hon. Members opposite. There are, in the Colony's Estimates, seven engineers on the "A" scale, and in the Development Estimates 10 engineers on that same scale. There are, apart from that, two superscale posts, and, at the moment, Sir, I am glad to say that only two vacancies are existing in these posts, so that the position as far as staff—in spite of all the difficulties and dangers of outside competition—is not quite unsatisfactory. All the same, Sir, I would like to assure hon. Members opposite that I am fully conscious of the fact that there is a growing feeling about the future that it would be in the best interests of the Colony if the Road Authority was completely separated from the Public Works Department, and, Sir, for that—and to satisfy that particular section of the community, Sir—I am prepared to agree to form a one-man commission of an expert from the United Kingdom, from the Ministry of Works, who will come out here and conduct an inquiry without any bias whatever, and advise us what is in the best interests of the Colony, and, Sir, until such a report, based on present conditions, is received, I am afraid, Sir,

I cannot possibly agree to the Motion which has been proposed by the hon. Member for the Coast; and, Sir, in view of my assurance on this subject, I do hope, Sir, that the hon. Member for the Coast, and the hon. Member for Nyanza, will find it possible to either withdraw the Motion or put forward an amendment acceptable to us on the basis that an inquiry will be held before any action is taken by us.

I beg to oppose.

MR. MATHU: Mr. Speaker, Sir, there is one point on which I agree with the hon. Mover and the Seconder of this Motion, and the opposers on the other side of Council, and it is this: that from the words that both said—they agree that we must have good communications in the country. I think both sides agree on that one. The difference of opinion, as it seems to me, is how we can achieve that. My hon. friend, the Mover, says that we can achieve that by separating the Roads Branch from the Public Works Department now, and setting it up as a separate organization. The Government, through the Minister for Works, says, "No, that is not the way to do it. We will keep them intact, but the end will be the same—we will have better communications".

Now, Sir, it is on the second point that I want to base my remarks—very brief remarks that I am going to make on this Motion. It is this. I think hon. Members know here for eleven years I have been attacking Government on the subject of communications, particularly as they affect the African producing areas in Kenya—both African and European. There is no racial question on this issue, but somehow the European areas manage to get their roads hard-surfaced, murrum standard, but for eleven years I have not managed to get the Minister for Works—or those who went before him—to do the same thing in the African agricultural producing areas—not every road, but the main roads in these areas to be hard-surfaced, murrum standard, so that in dry and in wet weather the commodities can be moved to the markets, where on rural money—revenue—for the development of this country, and when we were discussing about setting up a Road Authority, the arguments used at that time by my

[Mr. Mathu]

hon. friends on the other side of Council were that when motorists will pay certain taxation—but of course we shall have a minimum standard murrum surface road throughout the country, in the agricultural producing areas, which is my only point of interest at the moment, and my own view is—and I have said this in this Council before, and my African friends have supported me on it—we have not seen one improvement by setting up the Road Authority: in fact, as I say, as far as the African producing areas are concerned, it is money wasted—money thrown overboard—and the African taxpayers, as a result of the petrol tax, and so on, have benefited nothing from the working of the Road Authority.

MR. USHER: On a point of order, Mr. Speaker, has this anything whatever to do with the Motion? I suggest it has not.

THE SPEAKER: I think that the hon. Member is merely developing his argument.

MR. MATHU: I must bow definitely, Sir, to your ruling, but hon. Members have mentioned the Road Authority—whether the Road Authority should be separated from the Public Works Department or not, and if I cannot comment on that, Sir, I do think, Sir, there is something wrong somewhere, but, however—

THE SPEAKER: I ruled in your favour. If your argument is developed, you may proceed.

MR. MATHU: In fact, Sir, I did appreciate your position. I was answering the hon. Member for Mombasa—who definitely did not listen to the previous comments made by hon. Members on this Motion.

However, my point, Sir, is this; that I do suggest that I, at that time, did support the setting up of the Road Authority, and supported the taxation of all communities to set up the Road Authority, and I do not think I opposed the money voted by this Council to that Authority. All I said is this, Sir, that the African producers in the African areas have not benefited as a result of the Road Authority, although they contribute regularly to the fund that the Road Authority uses.

Now, my hon. friend, the Member for the Coast, comes with another Motion. Now, he thinks that it will be an improvement to get the Roads Branch of the Public Works Department to be separated from the Public Works Department. Now, what I do not quite understand is whether he thinks that, even with the Road Authority as a separate entity, he would still, like another Authority of the Public Works Department on the question of the Roads Branch, to be as unsatisfactory. In my view, as far as African areas are concerned; and that has been, Sir, my difficulty, of knowing whether to support my hon. friend, the Member for the Coast—and I have tremendous sympathy with whatever he has said in the matter—and if he could clear this point when he replies—that the Roads Branch should be separated, and the Road Authority—as was suggested by the Minister for Works—that it might be separated from the Public Works Department, so that the agricultural producing areas of all races—and particularly, in my view, in the African areas—will see an actual development of communications to move produce into the marketing areas—then I certainly will support his Motion, but, before I know that for certain, I think I will reserve my definite opinion in the matter.

There are two or three further small points I would like to mention, Sir, before I sit down. It is the question of my hon. friend the Mover, and the Seconder, talking about higher pay for engineers, and so on, and I think my hon. friend the Minister for Works—if I got him right—said we want another Lidbury Commission. Well, if my hon. friend, the Member for the Coast, who is very hard at castigating Government for economy—he said, in fact—he made this question only the other day—he was the first one to say they should have super-scales in the whole of the Roads Branch of the Public Works Department—then I fail to understand exactly how he proposes to economize in matters of this kind. On that one, Sir, I do not feel that my hon. friend, the Member for the Coast, with his plea for keeping down inflation, and watching that the cost of living is down, that he is really becoming

[Mr. Mathu] consistent in his arguments in this matter.

My hon. friend, the Minister for Works, in a recent debate on this issue, told me that, as far as the road networks in the rural areas were concerned, the Public Works Department could only be agents of the African District Councils. The roads are in most cases under the local authority—European and African—and that if the Asians approach the Road Authority on his own portfolio—in his Ministry—they will see what they can do to make sure that the main roads, at any rate, in the rural areas should be hard-surfaced and become usable throughout the year. Well, I have not seen anything of that kind since my hon. friend said this—not a sign of it. I was running only a week ago from Kenya to Uganda and, at that time my hon. friend and the Special Commission for Works, Mr. Taylor—who was on that on that side of Council—said that most of the roads in Nyanza were—although the African District Council roads, the Public Works Department were the agents, and they were running those roads. I should like to have the Minister for Works with me on a stretch of road from Maseno through Mumias to Busia which I understand is a Public Works Department responsibility, although they keep themselves from the African District Councils, or something to that effect. It will be a shame for them to run that road.

THE SPEAKER: Order! Order! I think the hon. gentleman is now getting a little beyond the terms of this Motion. He must confine himself to the terms of the Motion.

MR. MATHU: In sitting down, Sir, I should like to say that the proposal by my hon. friend, the Minister for Works, of a one-man commission is the usual Government tactics of delaying the issue. I have tremendous sympathy for the Mover and the Seconder in this Motion. The Seconder said that the urgency of the matter is such that she seconded this Motion on that particular issue, and a one-man commission from the United Kingdom who, for all I know, it will be another ten years before we have any better communications—by the time he sends the answer—but I do suggest, Sir, that this Government and this country

should be able to come to a decision—the experts we have in this country—should be able to advise us and to come to a decision. With a one-man commission it will be another ten years before we have the decision. The Mover and the Seconder and even my hon. friend the Member for Mount Kenya—and not only has the hon. Member for Mount Kenya spoken about this question of separation, but he had a Motion here not very long ago on immigration, and he produced facts and figures to show this Council that this country, by forming a policy—which he outlined, and I supported it—but I only told him that he should also consider that in African producing areas they should have roads to a murrum standard, I not think he objected.

MR. CHANAN SINGH: Mr. Speaker, Sir, all Members on this side of Council want to see better and more roads in Kenya, but the question is, will this resolution, if it is passed, get us such roads? I have my doubts. It has been argued, Sir, that the Road Engineer is a specialist in his branch of engineering, and that, therefore, he should be independent of the Director of Public Works. The hon. Mover gave us an illustration—the example of the Medical Department. They have specialist doctors, but nevertheless I want to suggest to him that all the specialist doctors are subordinate to the Director of Medical Services. Similarly, there is nothing unusual in expecting that all the specialist engineers will be subordinate to the Director of Public Works.

Now, Sir, I can understand the proposition that the salary scale and the status attached to a post should be such as will attract the right type of man. Now, is it intended that the right type of man should have a higher place than the Director of Public Works? To put it more concretely, is it intended that the salary of the road engineer should be equal to the salary of the Director of Public Works, or higher than the salary of the Director of Public Works? I would disagree with anyone who makes such a suggestion. I think the responsibility of the Director will always remain higher. And, in any case, in this wide world, it should not be impossible to find road engineers who demand double the salary of the Director of Public

[Mr. Chanan Singh] Works. Must we have them, or do we need such highly qualified or such highly paid people in Kenya? I think we should be able to do with an engineer who is prepared to accept a subordinate position to the Director of Public Works.

I beg to oppose.

SIR CHARLES MARKHAM: Mr. Speaker, very briefly, Sir, one or two points which arose out of the hon. Minister for Works' speech.

First of all, Sir, about this question of a Commissioner from England, I suggest, Sir, perhaps one commissioner might be very difficult, because I presume he will come from the Ministry of Works. He therefore might well be able to make his mind up already what sort of system he likes. I would like to suggest that perhaps a two-man or a three-man commission will be better than just one, because I am always frightened of the bias of one individual. I venture to suggest, Sir, unless you rule me out of order, perhaps if the Royal Commission have had one person only, I do not think we would have all agreed with anything written in the report.

AN HON. MEMBER: At least the report would have been unanimous.

SIR CHARLES MARKHAM: Well, we do not even know about that, Sir. They change their minds so often.

But, Sir, this question of this commission, I presume that, in view of the fact that Government were not going to take this Motion this afternoon; they would have told us more about this intended commission. I thought they would have told us when we expect them to arrive in Nairobi. I thought we would have been told more about the terms of reference, and I would have thought that we would also have been told whether Government proposes to accept the recommendation of that commission, even though it may be unfavourable to the Public Works Department.

Now, Sir, we have been told from the other side of Council that they do not seem to like this idea of divorce. Well, perhaps they might prefer a judicial separation—then, if they do not agree, to resort to more stringent recommendations. But when the terms of this Motion concern the Road Authority,

then I begin to worry a little bit as to what this commission is going to recommend, because there seems to be a misunderstanding by some Members who have spoken this afternoon as to what the functions of the Road Authority are. They are purely advisory. They are not executive. There are no engineers, as such, to carry out grading of roads. They are only advisory. Am I right? Or will the Minister correct me? He has not done so now, Sir.

THE MINISTER FOR WORKS: I would point out that they have their particular function. All the engineers work under the Road Authority.

SIR CHARLES MARKHAM: Sir, the hon. Minister has given out that the engineers of the Road Authority are the Road Authority, and not the Public Works Department. Well, to my knowledge, Sir, there is only one engineer in the Road Authority. Perhaps I am wrong? Well, Sir, the fact is this: that the Road Authority is purely advisory, and they cannot grade a road or do anything else but act in an advisory capacity, both to the Public Works Department and to local authorities, and, therefore, Sir, when the Road Authority is attacked by the hon. African Representative Member, Mr. Mathu, I do not think he knew exactly what the Road Authority was meant to do. It is a matter either for the local authority or the Public Works Department to be blamed if the road is bad, but you cannot blame the Road Authority. Sir, I do hope that the Minister will announce the appointment of this commission soon, and that they will also announce that Government will accept the findings of the commission without reservation.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Speaker, unfortunately the hon. Minister for Works has already spoken, and therefore I rise to answer only one or two points which have been made since he spoke.

I am a little bit rusty on my Road Authority knowledge, but I think I would like to state straight away, Sir, that, with regard to the point made by the hon. African Representative Member—and he has made these points, and some of them should be, I think, answered, in spite of the fact of your

[The Minister for Local Government, Health and Housing]

ruling later, Sir, that he has brought these points up previously on many an occasion—and I would ask him to study the Estimates of Expenditure of the Road Authority which are issued every year, and he will find there that very much more money has been devoted to African roads—or roads in African areas—since the setting-up of the Road Authority than previously.

Mr. MATHU: Mr. Speaker, Sir, I thank the hon. Minister, but in spite of the explanation, I never questioned the amounts. What I said was, what are the products—what are the proper objects of the money? I said they put the earth in the ditches, and the road is as bad as it was before the money was paid. That is what I am saying all the time.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Speaker, I do not think I will argue on the technical aspect, because it has nothing to do with this Motion, but I would only say that in many areas, of course, there are many miles of road for which the African District Councils are responsible for the upkeep, and they get paid by the Road Authority for a proportion of that expenditure.

The hon. Member for Ukamba, Sir, made a number of points and asked a number of questions. He first of all suggested there should be more than one commissioner to inquire into this matter, and I personally think that it will be difficult to get a number of people of the qualifications we would require and, on the whole, it is usual—quite often—the findings of one man are very much simpler and correct than the findings of many, and I do ask him to consider, as he has had experience in local government, especially the many implications that may arise out of the direct request in this particular Motion. The hon. Minister for Finance mentioned this matter, but I personally believe that it is very, very important that all local government authorities—either singly or jointly—undertake more responsibility in order to cover the very heavy overheads from which they are now suffering. I would remind hon. Members that at one time local government authorities did undertake, on an agency basis, the

maintenance and upkeep and, indeed, the betterment of certain main roads in this country, which was to the great advantage to those particular local government authorities. I am not saying what the commission would find in this matter—not that it is necessarily the right thing to hand over immediately to local government authorities, but I do hope that hon. Members will recognize that there are many, many implications in the resolution—the Motion—which has been put before this Council. It is because of that—because of the implications, and because of the direct request from hon. Members that this matter should be looked into—a request over quite a long period—that the hon. Minister for Works has, to that extent, accepted the request, and agreed that a commission should inquire into it.

The hon. Member for Ukamba has asked what the commission will consist of, and what their terms of reference will be, and also whether Government will accept the report of the commission. This acceptance of a commission, the idea of a commission, has only come just now from hon. Members—so you cannot expect that Government will have all the details of the terms of reference worked out. It is, indeed, in answer—and partly to meet the request that is implicit in this Motion. As regards Government accepting the report of any commission—no Government can ever give a commitment of that sort on any commission. Can the hon. Member consider what would be the implications if the Government had said they would accept without question the report of the Royal Commission, for example?—it is quite outside the bounds of possibility to lay that down, and to try to force a Government to commit themselves in advance on that sort of question.

SIR CHARLES MARKHAM: Will the hon. Minister give way? The reason, Sir, it will the Government appoint this commission? They did not appoint the Royal Commission—it was done by Her Majesty's Government in England. It is a different thing for our Government to initiate the task.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: I think, Sir, my mention and example of the Royal Commission may be technically at

[The Minister for Local Government, Health and Housing]
fault, which has been pointed out by the hon. Member, but there are many other commissions appointed by this Government, the findings of which the hon. Member would not like us to accept without very serious study.

Sir, I think that those are the best answers I can give on behalf of the Minister for Works to the points which have been raised after he spoke, and I beg to oppose.

THE SPEAKER: No other Member rising to speak, I shall call upon the hon. Member to reply.

Mr. COOKE: Mr. Speaker, in replying to my hon. friend, the Minister for Finance, and to my hon. friend, Mr. Mathu, I am rather inclined to use the phrase Doctor Johnson once used. "Sir," he said, "I can give you a reason, but I cannot give you an understanding."

I have been giving reasons in this Council for the last several years as to why this and that should be done in regard to roads, but I have not been able, obviously, to give them an understanding to accept that reason, and I think only the Almighty can give them that understanding which I am unable to give them.

My hon. friend, the Minister for Finance, said that we should have asked that consideration should be given to this matter. Well, we, on this side of Council, are tired of asking for consideration to be given. When we have asked for consideration to be given, it takes many years for that consideration to come; and I only instance, Sir, the committee that sat on the cost of living, which has been under Government consideration for the last two or three years. What we want is action, not consideration. I should have thought my hon. friend would have given consideration to this matter over the years, and would have given all that consideration which was necessary.

The hon. Mr. Mathu, as has been pointed out by the hon. Minister for Education, Labour and Lands—he has pointed out that it is not a fact to say that nothing has been done in African areas, because a great deal has been done—but I do not want to go off the

subject. I think it is a little irrelevant, but it has been raised a good many times—and naturally the first action of the Road Authority had to be on the main roads. It is no use having good village roads if the main roads cannot take the produce from the villages, but if my hon. friend will consult the African Member, Mr. Ngulia from Nyanza, he will find that, in fact, a good deal has been done, and a good deal more will be done in future in the African areas, as obviously must be so.

My hon. friend, Mr. Mathu, in his interruption to my hon. friend on the other side, really supported my argument, because he said that he was tired of seeing road engineers throwing earth into the drains—or rather, he was tired of seeing people working on the roads throwing earth into drains. Well, it is just because we do not want the earth thrown into the drains that we are asking for highly technical engineers who will ensure that that sort of thing will not happen in future, and that is one of the arguments in favour of our request to Government to have these engineers.

Now, this question of cost always comes up, but, of course, as I said, I cannot give my hon. friend an understanding, but surely he must see that high costs are sometimes justifiable if they produce more in the way of actual results. There is an old saying, "Penny wise, pound foolish". If, by spending £5,000 we do not produce any results—or produce very little result—surely there is an argument in favour of spending £15,000 in order to produce results? I only talk in round figures. Now, time after time I have argued with my hon. friend on this subject, and I am quite in despair that he will ever see sense in it, because he did not see sense in what was put up by the Road Federation the other day in a very strong argument that road users are spending over £3,500,000 unnecessarily on the roads of Kenya every year. Well, now, if we could save that £3,500,000, or pay it into a road fund, we would not only in future save that money, but we would also get the good roads. But I am in complete despair of convincing my hon. friend on that point. I just cannot see why he cannot see it, and that is that. I think probably most other Members

[Mr. Cooke] of this Council can see that argument—at least the most intelligent Members would certainly see that argument.

AN HON. MEMBER: Only Irishmen!

MR. COOKE: Now, the reason why I advocated spending more money—and I would say that I would personally suggest that a road engineer should get at any rate the same salary as the Director of Public Works, because in one way the Director of Public Works would have less responsibility if there was a road engineer appointed, and also, I think that the road engineer's responsibilities would be just as heavy as those of the Director of Public Works.

I would like to get rid of one point somebody argued, I think, from the other side—the Secretary to the Treasury—that there may be just as strong arguments in favour of a separate water branch. The answer, of course, is that there are; and those arguments are being put up at the moment by the Water Authority with my full support, and I would like to see the Water Authority also separated from the Public Works Department—so that is the answer to that point.

My whole argument is this: what we may lose on the swings we will gain on the roundabouts; I know there will be a great initial expenditure—one knows that—but we hope and, indeed, confidently hope, that after that initial expenditure there will be a tremendous saving by better results obtained by more economic working in the Roads Department. It would, of course—as I look at it—also be of great value to the African areas, because the experts in the Roads Branch would be able to give their services to the districts—and the African District Councils. There is no reason why they should not give their advice—and their expert advice. In fact, at one time we did have an officer whose duty it was to do that, and I would personally like to see that restored.

Now, nothing is to be gained from my speaking further, because the hour is getting on, but I would be prepared—and my Second agrees—to withdraw this Motion, on the understanding that this commission—and I think one commissioner is all we want—we can trust Government, I think, to ensure he is an im-

partial man and an able man—and we would welcome that he will give us a promise that it will not be under consideration for a long period, and that this gentleman will be appointed, as one might say, immediately, and I think that his is really a very good suggestion, and I think my friends and myself are quite happy, so I will beg leave to withdraw the Motion.

THE SPEAKER: The terms of this Motion are: BE IT RESOLVED that this Council urges that in the interest of economy and efficiency the Roads Branch of the Public Works Department should become a separate department implementing the policy of the Road Authority.

Permission has been asked by the hon. Member and the hon. Member that the Motion be withdrawn: Is it the wish of Council that the Motion be withdrawn?

The question was put and agreement signified.

MOTION

AFRICAN WOMEN'S TRAINING COLLEGES

MR. SLADE: Mr. Speaker, Sir, I beg to move that in the opinion of this Council the construction of two African Women's Training Colleges has become a matter of great urgency.

Mr. Speaker, in the speech which we heard from His Excellency the Governor only a few days ago, I find the following passage:—

“Emphasis will continue to be placed on the education of African girls; and there has been a reallocation of development funds to enable more facilities to be provided both at girls' schools and at women's teacher-training centres. There have been technical difficulties connected with the nature of the sub-soil at the site selected for the African Women's Teacher-Training College at Machakos, but construction will be started as soon as possible. The Government also intends to build an additional centre in Nyanza and both will eventually provide teacher training for African women entering at the post-school certificate level.”

Mr. Speaker, in the light of that statement by His Excellency, it might perhaps be thought that this Motion is superfluous. And so, to justify my moving it in spite of that statement, I would refer

[Mr. Slade] hon. Members to what His Excellency said in his speech from the Chair this time a year ago on this same subject. There he said, in 1954—

“The construction of a large new African women's teacher-training college will be started shortly at Machakos. I hope that this college will help in fostering amongst the African population a greater interest in female education. The Government considers this to be of paramount importance.”

Well, Mr. Speaker, when we get such a promising statement as that, and then a year later find an equally promising statement, and nothing happening, then it is time—in my view, I contend that the time has come for action. Now, this word “shortly”, with which we are getting so familiar, can obviously mean a year or more hence.

Mr. Speaker, I do not think I need elaborate on the urgency of establishing these teacher-training colleges. Many times in different debates in this Council hon. Members on both sides of Council have emphasized the urgent need to develop female education among Africans. The arguments are so well known that I will not repeat them; but it must be apparent to all of us that we cannot start female education on an adequate scale unless we have African women teachers who are fit to teach them. We have seen on the male side how we are held up by lack of properly trained teachers, and we are going to be held up on the female side until we get African women teachers. That, Sir, I know, was recognized by the Education Department at least three years ago—or probably earlier—and I rely on the Director of Education to give us more of the history of the development of this matter—but I do know that at any rate three years ago there was a proposal from the Education Department that a women's teacher-training college should be established alongside the Secondary Girls' School. I understand that in 1953 the Education Department put forward proposals for what was called a “compendium” centre near Nairobi, and then thought developed again, as the need was seen with greater imagination and, in 1954, a definite site was selected at Machakos for the establishment of a separate women's teacher-

training college. That was the site referred to by His Excellency the Governor in October, 1954.

THE SPEAKER: This is a convenient time for the usual interruption of business for fifteen minutes.

Council suspended business at fifteen minutes past Four o'clock and resumed at thirty minutes past Four o'clock.

MR. SLADE: Mr. Speaker, when that decision was made in 1954 that a separate Women's Teacher Training College should be established at Machakos, the funds considered necessary were set aside and it certainly appeared that a definite decision had been made and we should see the College growing up immediately. So evidently His Excellency thought, when he spoke in this Council in 1954. But after that, difficulties arose through the nature of the soil of the site; and it was apparent that if a building was to go ahead on that particular site, or, I understand, anywhere in the neighbourhood of that site at Machakos, it would involve extra expense. That really has been the original cause of subsequent delay. Nevertheless, Sir, I do think the delay in decision as to whether or not to face that extra expenditure or whether to adopt a different site, has been quite unnecessarily protracted. What has happened, I understand, is what has happened to often in cases like this—that the moment that difficulties arose over building on the site that had been chosen, immediately the whole argument started again as to in any event there should be a college at Machakos or somewhere else in the Colony. It opened the whole field for those who had originally opposed a college at this site; and so the argument has been going up and down since—not only whether to face the additional cost of building on this site; but again, whether you really want a college at Machakos or somewhere else.

Now, what I want to bring before this Council by this Motion, Sir, is the importance in such matters of making a decision. I do not know enough about it to say that Machakos is the right neighbourhood for a college like this, or somewhere else. What I do see, very clearly is that we cannot afford to go on and on arguing. When you have a matter as urgent as this matter is, when the

(Mr. Slade) The whole education of the women of a community is held up pending a decision, a decision must be made.

I am very glad to learn, Mr. Speaker, that since I gave notice of this Motion the hon. Director of Education has told us in this Council that a definite decision has, at last, been made on this particular college at Machakos, and that Government has decided to go ahead building on the site originally proposed in spite of the extra cost. That is a great relief. It only remains now for that decision to be maintained and for action to proceed on that decision without giving anyone any scope to argue any further.

Now, Mr. Speaker, during the last year while there has been all this difficulty over decision on the proposed college at Machakos, it has at the same time become quite apparent that another similar college is needed for the western part of Kenya. I understand that there, too, there is considerable difficulty and discussion going on as to the precise site. I understand, Mr. Speaker, that it is accepted on all sides that there, as it was accepted in the case of Machakos, there must be a college. It is only a question of precisely where and how and when. What I want to urge again by this Motion, Mr. Speaker, is that a decision must be made in spite of conflicting views; there will always be conflicting views; but there must be finally, and very quickly, as to where this college is to be, so that the building can begin.

Now, before I sit down, Mr. Speaker, I would like to say that as far as I can see, in the history of this matter, it is not the Education Department that is so much to blame. I think the Education Department has been doing all it can to get something going and there have been difficulties elsewhere that have held up my hon. friend, the Director of Education. But, however that may be, now, if in this Council we can resolve that these matters can wait no longer, that these two Women's Teacher Training Colleges must be built now, with an end to arguments as to where, I believe, Sir, this Motion will serve a good purpose.

MR. USHER: Mr. Speaker, in seconding this Motion, Sir, I have very little to add to what has been said by my hon.

friend the Mover. It is about five years since we debated the Beecher Report and emphasis was placed by some speakers on the necessity for the education and increasing facilities for education of African girls. Very little, as we know, has been done since then, but something has been achieved and I would like to mention, for instance, that there are now over 80,000 girls enrolled in the schools. But, Sir, they compare with a total of 272,000 boys, that is seven boys to every two girls, and that is not the right way about it to my mind. In the intermediate class—I was speaking of the primary class—in the intermediate class, the disproportion is still greater—that is to say there are nearly six boys to one girl. Well, there may be obvious reasons for that and, indeed, the disparity itself may have reasons other than the lack of trained teachers. Nevertheless, trained teachers we do greatly need and, Sir, the girls are extremely responsive to education. If you look at the examination results that will become immediately apparent. In the Kenya African Preliminary, for instance, 512 girls passed out of 812. That, perhaps, is not a very high proportion but it is a very much higher proportion than that of the boys who were successful. In the Secondary, 44 passed out of 49, which is extremely good. School Certificate, nine out of ten. So that the training of the girls is really proving worthwhile and they are, as I say, responding.

Sir, when we debated the Beecher Report here, we were told by the Member for Education, who is now the Minister for Finance, that education and educational plans must not be regarded as static plans and I do hope, Sir, that the Government will appreciate the need for increasing the proportion of the girls getting an opportunity for education in as far as they are able to do so. Not only are they more able to take their part in the various callings that are now open to women, but they make better mates for their men, not only in giving him the increased comfort in their homes, but also by providing that background of culture without which the home is not a home at all.

I need not mention finally that, of course, it is the women that we expect to form the minds of the rising generation.

(Mr. Usher)

Sir, the other day I had the pleasure of looking over the Coast Teacher Training College and it was an eye-opener to me, not only because I was so glad to see these young people coming on, but because I could see, and from discussion with those who are first in educational matters, I realized how much, quite apart from the qualifications they were getting, how much they themselves were increasing in stature in every way as a result of this training.

Sir, I beg to second.

Question proposed.

MR. WADLEY: Mr. Speaker, Sir, I should like to say at the outset that the Government accepts this Motion which is couched in terms which exactly represent its own views in the matter.

There is, indeed, need for work to be done on the construction of two African Women's Teacher Training Colleges as a matter of urgency in order that these institutions may be ready, not later than January, 1957, by which time there will be a serious setback to the proper development of African education, particularly African women's education, if this additional accommodation is not then ready.

Now, I am sure, Sir, that the Mover of this Motion and other hon. Members will wish to have from me a brief statement of the circumstances in which the construction of these two colleges, to which the hon. Mover has referred, has become a matter of rather more than usual urgency.

First of all, I should like to make it clear that in the case of the first of these colleges, that is the one that is to be built at Machakos and which will be given priority in development to the higher levels of teacher training, one reason why it should now be the cause of concern is that there has been talk about it for well over three years. The fact that my department began to give the matter consideration as early as the beginning of 1952 was because we attached the very greatest importance to this particular institution, which was intended to be the counterpart of the Men's Training College at Kagumo and we were anxious, therefore, that planning for it should start well in advance of the time

by which it was designed to open it. We expected at that time, that is in 1952, that the college would be opened, if possible, in January, 1955, and certainly by January, 1956. My point here, Sir, is that to no small extent, my department's anxiety to start work on this project is responsible for the anxiety now expressed by hon. Members on the other side of this Council.

Now, the whole history of the circumstances surrounding the two colleges forming the subject of this Motion is an extremely complex one and I trust that hon. Members will bear with me while I do my best to explain, I hope to their satisfaction, precisely what has happened.

The position is, at the moment, Sir, in brief, that we propose to set up two new training colleges for African women teachers. One on this side of the Colony to provide courses for teachers at three levels (the three levels known as K.T.1, T.2 and T.3—that is teachers for intermediate and primary schools) and another college at Nyanza, which will cater initially for T.3 teachers, that is teachers for primary schools, but will later extend to the higher levels of training. The first of these colleges will be required to accommodate 100 pupils at the outset and will be developed within the following year to cater for a further 150 students. The Nyanza college will be required to accommodate 50 students initially and 100 by January, 1958.

I must make it clear, too, that the first and the larger college, that is the one to be built at Machakos, will replace facilities for teacher training which now exist at Embu for T.3 teachers and at the African Girls High School, Kikuyu, for T.2 and K.T.1 teachers. The number of students at these two institutions at the moment is 70, but there will, of course, be an increase next year—in January, 1956.

The Nyanza college will replace the existing college at Vihiga, also in Nyanza, where the building now being occupied by the college is required for use as an administrative sub-station.

Now, Sir, to deal first of all with the college to which priority of development must be given, that is the college at Machakos, the planning for this, as I

(Mr. Wadley) have already said, started as early as 1952. For a variety of reasons it was thought important that this college should be within a convenient distance of Nairobi with its cultural and other amenities and that it should, at the same time, be in a place not divorced or remote from the normal life of the African reserves. It had also to be within easy reach of the railway and of such facilities as water and electric light. With all these considerations in view, a site at Kikuyu was chosen and negotiations were immediately set in hand for transferring the land from its previous owners, one of the voluntary agencies working in the Colony, which had indicated its willingness to hand over the land for this particular purpose. By the time these negotiations in regard to the land had been completed the Emergency was on us and it was quite clear then that building on the site which had been chosen could not be contemplated for some considerable time to come.

There then followed a whole series of negotiations to secure other sites with the same or similar advantages as those possessed by the first site and it was important, we thought, that these sites, or the one chosen should not be too far from Nairobi. No fewer than three such sites were given very serious consideration indeed and a number of other possibilities were also taken into account.

Now, as hon. Members are aware, negotiations in regard to land are apt to be very lengthy and in this case there were other additional considerations to be borne in mind such as the views of the voluntary agencies whom it was proposed at that time should take part in the administration of this College. Another point was the availability of facilities for teaching practice and, again, the suitability of the site from the point of view of the teaching staff. This last point is by no means the least, because all those who have had experience of women's staff in institutional work of this kind will appreciate that the conditions and amenities which can be made available to those women is a matter of the very greatest importance.

Now none of these possible alternative sites in the Nairobi area proved to be practicable for one reason or another—either because the land could not be

given up by its present owners or because of reasons arising from the Emergency. My department then had to turn its attention to possible sites away from Nairobi and its immediate surroundings; and it lost no time in coming to the decision that in all the circumstances the most suitable place was Machakos, although Machakos did not possess all the advantages of some of the sites which had been considered earlier.

A site board was convened to deal with this matter and a piece of land adjacent to the African Boys Secondary School and Teacher Training College at Machakos was selected. This site appeared to be admirable from every point of view and work was immediately started on the plans and the lay-out of the buildings which would be required. Now all this, Sir, took place towards the end of 1954 and it was, of course, for that reason, that His Excellency, in his speech from the Chair just over a year ago, referred to the imminence of visible buildings for this particular college.

I must add, Sir, that my department also was hoping at that time that the buildings would be started within a matter of weeks.

Now when the Public Works Department came to a detailed examination of the site at Machakos, and this examination was not concluded until early this year, it found that the whole site, like most of the rest of the Machakos *bama*, consisted of soil known, I believe, as bentonite, which is extremely unstable and which demands that special and rather expensive foundations shall be provided for the buildings. I am not an expert on the methods of determining the qualities of soil, Sir, but I am assured that on a large site such as this it is not unreasonable that it should take a considerable time to decide that the whole site was unsuitable for the purpose of ordinary buildings.

In these circumstances, and in view of the urgent need for starting work on the college, immediate consideration was given to other possible sites. The point I want to make here is, that, by this time, there had been a change in the position in regard to the whole development of

(Mr. Wadley) teacher training in Kenya, inasmuch as my department's desire to concentrate teacher training into large centres instead of small ones scattered over the whole Colony had been generally accepted by all those people who were responsible for this particular kind of work.

In view of this, Sir, there seemed to be no reason why this particular college, which would provide training at the higher levels, should not be switched to the other side of the Colony where there was more likelihood of a site becoming available in the near future. It was for this reason that possibilities in Nyanza were explored and a site at Maseno was given very particular consideration. This site at Maseno, however, was already being used for other purposes and, although negotiations were entered into immediately with a view to having this land made available to the Education Department, no final decision has as yet been possible. In view of all these considerations, Sir, my hon. friend, the Minister for Education, came to the conclusion, to which the hon. Member has already referred, that despite the extra cost which will be involved in putting up the college at Machakos, it would be wise to go ahead at Machakos in order to ensure that the buildings we need will be ready by January, 1957.

I think I should add, Sir, that this question of cost, to which the hon. Member has also referred, is a very serious consideration, because the money made available to the Education Department for the development of education for all races is scarcely sufficient to supply our minimum needs and the loss, even of a matter of £10,000 or £15,000 for such a purpose as this—and actually £15,000 is the probable figure of the additional cost at Machakos, is a matter of very serious import.

Well, Sir, following the hon. Minister's decision that work shall go ahead on the Machakos site, every effort is now being directed to this end, and I sincerely hope that all the efforts of my department will start before the end of this year. I am perfectly certain, Sir, that this decision is the right one and I should like to say to the hon. Member that I can see no reason whatever why the building should not be completed on time, that is, not later than

January, 1957. He can rest assured, Sir, that all the efforts of my department will be directed to this end.

Now, Sir, the brief position with regard to this first college—I am sorry it has taken so long to deal with—is that we are going to be one year later than the latest date by which we originally hoped to complete the building. I think perhaps in view of all the circumstances to which I have referred—the difficulties of the soil at Machakos and the difficulties of the Emergency—that that is really not so unreasonable as would at first sight appear.

Now, Sir, to turn to the second college. The need for this college was not foreseen at the time the present development plan was formulated, and here, Sir, I would like to refer to the comment made, I believe by the hon. Member for Mombasa, who referred to the speech made at the time the Beecher Report was approved by this Council, that the Beecher Plan, as it is called, was a flexible thing which could be modified in the light of the circumstances. The fact that it has been decided to go ahead with this second college in Nyanza is an example of subsequent modification by my department of the original Beecher Plan. What happened to stimulate matters in Nyanza was that about a year ago the Administration indicated that it would like to take over as an administrative substitution the buildings now occupied by the Vihiga Women's Training College. My department was interested in this offer because the nature of the site, and the extent of the site, were such that further expansion at Vihiga was impossible and, because of that, of course, it was impossible to go ahead on that site with our approved policy of building up larger teacher-training colleges.

It was therefore agreed after some negotiation that this college at Vihiga should be moved, and, in view of the urgent need to provide additional facilities for the training of African women teachers, it was decided that the college to replace Vihiga should be double in size, the money for this purpose being found by adjustments to other branches of the development plan for African education.

The site originally chosen to replace Machakos was at Kisumu, but it was necessary to abandon this because of

[Mr. Wadley] town planning needs in that particular area. Attention was then paid to the site at Maseno to which I have already referred, the intention being that if this land could be obtained, priority of development to the higher levels of teacher training should be given to this college rather than to the one which was to be built on the eastern side of the Colony.

Now that a decision has been made in regard to Machakos, the scope of the college to replace Vihiga will remain as originally intended, namely to provide in its early stages accommodation for 100 students at the T.J level, that is the primary school teacher, though it will in due course develop in accordance with the policy which I have stated, as a large centre providing training facilities at the higher levels also.

Another possible site for this college is being given very serious consideration. This site, if it can be obtained, would have the advantage of being adjacent to the existing Training College at Siriba. That is, as hon. Members will remember, a large composite training college, which produces teachers at three levels, as well as agricultural and veterinary instructors, and there are, of course, water and electric light facilities which are already installed and which could be utilized for the new college and, incidentally, save a considerable amount of expenditure. The most urgent consideration is being given to the question of this site and I can assure the hon. Mover that no time will be lost in coming to a final decision. I confidently expect that such a decision will be made within the next week or two. Building on the Maseno site, whichever of the two sites I have mentioned is chosen, would be in accordance with type plans so that there will be no delay on that account. I would add that the Vihiga site will not have to be given over to the Administration until the end of 1956, so that provided these new buildings are ready by January, 1957, there will be no inconvenience and no retardation of development.

Now, Sir, I would like to mention in conclusion that we have altogether for African women teacher students in training no fewer than 21 institutions, which between them produce annually some 250 teachers, and although that figure must

be increased as rapidly as possible, nevertheless I can assure hon. Members that no African girl who is qualified, and who is willing to undergo teacher training, is prevented from doing so by lack of accommodation and, furthermore, will not be prevented from doing so by lack of accommodation provided that we get the two colleges built by January, 1957. However, I would not like the hon. Mover to think that because of these considerations we are adopting a complacent attitude. Far from it, Sir: Our desire is to go ahead with all speed on these two new colleges and we shall certainly do so.

May I say in conclusion, Sir, that I am grateful to the hon. Mover for raising this matter because I feel sure that now that the attention of this Council has been drawn to the urgency of the problem, there can be no possibility, even if there were a tendency for there to be such a possibility, of the most urgent action not being taken.

Sir, I beg to support.

Mrs. SHAW: Mr. Speaker, I would like to give this Motion my strongest support. I am grateful to the hon. Mover for saying he is able to accept this Motion, and to the hon. Director of Education for his detailed statement and information which he gave regarding the position and the assurance that he also gave on behalf of Government. I would only mention that in view of the African population being over two million in Nyanza Province, it seems to me a little odd that the need for this Teacher Training Centre in Nyanza was not foreseen earlier.

I will not take the time of this Council, Sir, in reiterating the arguments that were so excellently put forward for these Teacher Training Colleges in the special pleading of both the hon. Mover and the Seconder of the Motion.

Sir, I beg to support.

Mr. GIKONYO: Mr. Speaker, Sir, I do not think there is very much contribution that I could make after listening to the speech of the hon. Director of Education, but there is one point I want to make and that is I hope that in three years' time from now the Director of Education will not stand in this Council

[Mr. Gikonyo]

and will tell us, give us a list of other difficulties which have hindered the progress of construction of these colleges. I hope that every endeavour will be made so that these colleges will be completed, as he says, by January, 1957. I do not think it is useful to repeat that Members of both sides of Council recognize and appreciate the importance of the girls' education. These have been stressed by Members on many occasions, but I feel I would like to say that, as Dr. Aggrey once said: "If you educate a man, you simply educate an individual, but if you educate a woman, you educate a family". I think that is very important and I feel, having that in mind, every effort should be made to educate as many of the African girls as possible.

I want to pay my thanks to the hon. Member, the hon. Mover, for moving this Motion, particularly so because I know he is a member of the Advisory Council on African Education, and I feel that he will give his support, not only on these two colleges, but on many other projects connected with African education. I hope that when we come into this Council and move a Motion for compulsory education for African children in Nairobi he will find his way to support.

Mr. Speaker, Sir, I beg to support.

Mr. CHANAN SINGH: The object of this Motion is quite clear. It has the support of all of us. I only wish to place on record such support on behalf of the Asian Members of this Council.

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

Mr. SLADE: Mr. Speaker, Sir, I only want to thank the hon. Director of Education for his very clear and frank exposition of what has been happening with regard to these two colleges, and to say how glad I am that Government is able to accept this Motion. In view of that acceptance, and in view of the general support indicated from Council, I do not think I need say anything further in reply.

The question was put and carried.

MOTION

TRANSFER OF POWERS (MINISTER FOR EDUCATION, LABOUR AND LANDS) (No. 1) AND (No. 2) ORDERS, 1955

MINISTER FOR EDUCATION, LABOUR AND LANDS: Mr. Speaker, Sir, I beg to move the following Motion:—

BE IT RESOLVED that the Orders cited as the Transfer of Powers (Minister for Education, Labour and Lands) (No. 1) Order, 1955, and the Transfer of Powers (Minister for Education, Labour and Lands) (No. 2) Order, 1955, be approved.

Sir, in view of the similar Transfer of Powers Orders which have already been discussed and approved by Council, it is not necessary for me to mention the legal background for the two Orders which are the subject of the present Motion. These Orders seek to transfer certain powers and duties to the Minister of Lands under the Lands Control Ordinance, the Weylaves Ordinance, the Land Titles Ordinance, the Land (Perpetual Succession) Ordinance and the Registration of Documents (Photostatic Copies) Ordinance.

As will be seen from the Orders, Sir, the powers and duties which it is proposed to transfer to the Minister for Lands are largely of a very minor routine nature. With the remarks made yesterday by my hon. friend, the Chief Secretary fresh in my mind, these two Orders might almost be called "Abatement of Paper Orders", in that they seek to obviate the submission of minutes and memoranda to the Governor, and the Governor in Council on a number of matters, small matters, which are well within the competence of the Minister to decide. In the circumstances, Sir, I do not think it is necessary for me to take up the Council's time in going through each item in these Orders individually.

I would, however, mention two items specifically in case I may have given the impression that I am trying to get away with some long coveted powers. It is not the case, Sir.

The first of these matters is that it is proposed to transfer from the Governor in Council to the Minister the power to make rules, or certain rules, under the Land Control Ordinance and the Land Titles Ordinance.

[The Minister for Education, Labour and Lands]

The second matter, Sir, concerns section 17 (2) and section 53 of the Land Titles Ordinance. Section 17 (2) figures in both the Orders, and section 53 figures in Order No. 1 only. This Ordinance, Sir, the Land Titles Ordinance, applies only to certain parts of the Coast Province; and, by way of amplifying the description of the two sections which is contained in the Orders, I would mention that the purport of these sections is to allow the Governor, or the Governor in Council, or someone deputed by the Governor, to recognize a person's claim to Crown land, notwithstanding the fact that he may not have put in a claim in accordance with the requirements of the Ordinance. In this context, Sir, the context of the Land Titles Ordinance, I would like to take the opportunity to inform the Council that an appointment has now been made to the post of Recorder of Titles, which was created under this Ordinance. This post, Sir, has been vacant for an unfortunately long time, but we have, we think, now the officer we require. He is a qualified surveyor with extensive experience of land settlement matters and registration of titles matters in Palestine and in Malaya. In addition to that, Sir, he speaks very good Arabic. So, with those qualifications, Sir, I think he will be a good round peg in a round hole. He is expected to arrive in Kenya in about July next year. That is the only thing that takes the gilt off the ginger bread, but he is, Sir, serving in another Colony at the moment; he will relinquish his appointment at the end of this year, take the leave due to him and come out, we hope, in July next year.

Sir, I beg to move.

Question proposed.

The question was put and carried.

MOTION

TRANSFER OF POWERS (MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES) ORDER, 1955

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES: Mr. Speaker, Sir, I beg to move:—

BE IT RESOLVED that the Order cited as the Transfer of Powers (Minister

for Forest Development, Game and Fisheries) Order, 1955, be approved.

This, Sir, is another similar Motion dealing with certain Ordinances which fall within the purview of my Ministry. The Ordinances concerned are the Forest Ordinance, the Wild Animals Protection Ordinance, the Royal National Parks of Kenya Ordinance, the Fish Protection Ordinance and the Crown Fisheries Ordinance. I do not think, Sir, there is any need for me to say much more about it and I beg to move.

Question proposed.

The question was put and carried.

COMMITTEE OF THE WHOLE COUNCIL

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

IN THE COMMITTEE

[Mr. Speaker in the Chair]

THE CEREALS FINANCE CORPORATION BILL

Clauses 1 and 2 agreed to.

Clause 3

MR. HARRIS: Sub-clause 3, Sir, at the Second Reading of this Bill, I hope I made the point that I thought in restricting the members of the Corporation to public officers which, in the definition, "public officer" means a person holding a full-time public office as a civil servant of the Government otherwise than as a part-time officer, the Corporation will not be able to receive the benefit of very good advice that may be available. In fact, Sir, it has occurred to me that this Bill is partly agricultural and partly financial and I think it is true to say that under that definition, neither the Minister for Agriculture nor the Minister for Finance would be able to sit on the Corporation, nor, Sir, would the Chair of the Agriculture Board.

In addition, Sir, there are people in private life who, I believe, could give very great advice and assistance to this Board, particularly when one looks at the duties of the Board incorporated in clause 4 of the Bill. I think particularly, Sir, of such a gentleman as the late Mr. Stanley MacKnight; had he been

[Mr. Harris]

spared on retirement he would have made an excellent member of this Board with his knowledge of produce and of finance. I therefore propose, Sir, an amendment that after the words, "such public officers" in the first line of sub-clause 3 there should be added the words "or other persons". In moving this amendment, Sir, I am not suggesting to Government that it is in any way at this stage a direction that there should be persons other than public officers, but I am giving them an opportunity, if at some time they would wish for somebody from outside the public service to join the Corporation, it would be unnecessary to bring an amendment at that stage but rather to put it through the Bill now. I beg to move the amendment, Sir.

Question proposed.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I thought that I had explained to my hon. friend, the Member for Nairobi South, in the Second Reading debate the feeling the Government had on this particular point. However, Sir, I am pleased to accept the amendment on, of course, the distinct understanding that at the present moment it should be fully realized that only public officers will be appointed to this Corporation because, in the first instance, at any rate, it would be dealing with purely Government and public funds. In those circumstances, Sir, if my hon. friend will accept that position, I should be delighted to accept the amendment.

MR. HARRIS: I should be delighted too, Sir.

MR. CHANAN SINGH: May I suggest, Sir, that the word "or" be replaced by "and" otherwise it will mean that all the members must either be civil servants or private persons. It should read: "The Corporation shall consist of such officers and other persons" because "or" will definitely mean either the public servants or the private people.

THE CHAIRMAN: I should like the Solicitor General's advice on that.

MR. CONROY: Sir, might I suggest that it would be better if the clause would read "The Corporation shall consist of

such persons as may from time to time be appointed" because "persons" does include public officers.

MR. HARRIS: I hate to argue, Sir, with the legal luminary but then it means we will have to take out the definition of a public officer because it is the only place where it appears:

MR. CONROY: Then have "and other persons" as suggested by Mr. Chanan Singh.

THE CHAIRMAN: There is an amendment to what I have just suggested and the proposal now before the Committee is, "That the Corporation shall consist of such public officers and other persons as may from time to time be appointed by the Minister, and the Minister may from time to time nominate one of the members of the Corporation to be chairman thereof".

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Chairman, I think that the words "shall consist" make it mandatory that other persons will have to be appointed if the amendments "and such other persons" are agreed to.

LT.-COL. GHERSIE: Mr. Chairman, surely on that you must appoint other persons in addition to the public officers—that would be defeating the whole of the point the Minister for Finance put up a moment ago.

MR. CONROY: I would suggest again that the way out of this difficulty is to delete the words "public officers" and substitute the word "persons" and that leaves it to the Minister's discretion as to whom he appoints. The fact that we have in clause 2 a definition of public officers, which now becomes redundant, does not, I think affect the amendment that should be made to sub-clause (3) of clause 3, and if necessary, Sir, we can go back to deal with consequential amendments to clause 2 which will become necessary by virtue of the amendment to clause 3, sub-clause 3. I would, therefore, suggest, Sir, that the amendment should be "that sub-clause (3) of clause 3 be amended by the deletion of the words "public officers" and the substitution thereof of the word "persons".

THE CHAIRMAN: I propose that sub-clause 3 of clause 3 should be altered by the deletion of the two end words in the first line—"public officers"—and the substitution for those two words by the word "persons".

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I have always been told in the Treasury that saying "yes" gets one into trouble and it looks as if it does. However, Sir, in the amended form the clause will suit the purpose that I have been aiming at and the understanding will be the same as previously outlined.

The question was put and carried.

Clause 3, as amended, agreed to.

Clauses 4 to 13 agreed to.

MR. HARRIS: Sir, I was going to rise on a point of order to ask how we can delete the now redundant clause in clause 2—as a consequential amendment to the amendment to clause 3 (3).

Clauses 14 and 15 agreed to.

Title and enacting words agreed to.

The Bill, as amended, to be reported.

THE MINISTER FOR FINANCE AND DEVELOPMENT: I was just wondering, Sir, dealing with the point raised by my hon. friend, the Member for Nairobi South, whether indeed that came under your powers to deal with consequential amendments.

THE CHAIRMAN: I do not think so. If I may say so I do not think it does any harm in that being there.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Well, Mr. Chairman, I take it that the only thing to do would be to recommit the Bill or to move an amendment on the Report stage.

MR. CONROY: Sir, I do not think it has any legal effect on the Bill—to define something which we will subsequently no longer refer to—but it is untidy, Sir, and I know of no way by which one can go back at this stage to amend a clause which Council has already agreed to stand part of the Bill.

THE CHAIRMAN: I believe actually the only thing one can do is to recommit the Bill when it is reported to the Council. I think that is the proper

way of doing it under our Standing Rules and Orders.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that the Committee do report back to Council its consideration of the Cereals Finance Corporation Bill and its approval thereof with amendment.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Speaker in the Chair]

REPORT

MAJOR CAVENDISH-BENTINCK: I have to report that the Cereals Finance Corporation Bill has been considered by a Committee of the whole Council and reported back with amendment.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, I beg to move that the Cereals Finance Corporation Bill be re-committed to a Committee of the whole Council.

Question proposed.

The question was put and carried.

COMMITTEE OF THE WHOLE COUNCIL.

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

IN THE COMMITTEE

[Mr. Speaker in the Chair]

Cereals Finance Corporation Bill (Reconsideration)

Clause 1 agreed to.

Clause 2

THE MINISTER FOR FINANCE AND DEVELOPMENT: I beg to move that the words "public officer means a person holding a full-time public office as a civil servant of the Government otherwise than as a part-time officer" appearing in the last three lines of this clause be deleted.

Question proposed.

The question was put and carried.

Clause 2, as amended, agreed to.

Clause 3

MR. HARRIS: Clause 3, sub-clause 3, Sir, I beg to move the amendment that the words "public officers" in the first

[Mr. Harris] line of that sub-clause be deleted and substituted therefor the word "persons".

Question proposed.

The question was put and carried.

Clause 3, as amended, agreed to.

Clauses 4 to 15 agreed to.

Title and enacting words agreed to.

The Bill, as amended, to be reported.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that the Committee do report to Council its consideration of the Cereals Finance Corporation Bill and its approval thereto with amendment.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Speaker in the Chair]

REPORT

MAJOR CAVENDISH-BENTINCK: I have to report that a Committee of the whole Council has considered the Cereals Finance Corporation Bill and has approved the provision of the Bill with amendment.

Cereals Finance Corporation Bill

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, I beg to move that the Cereals Finance Corporation Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

BILL—SECOND READING

THE TRADE AND SUPPLIES BILL

Order for Second Reading read.

THE MINISTER FOR COMMERCE AND INDUSTRY: Mr. Speaker, I feel somewhat diffident after seeing the pitfalls that the unwary can fall into and, in moving the Second Reading of this Bill, I will read out its full title. I beg to move that a Bill entitled an Ordinance to make provision for the control of the importation and exportation of goods of any description and of supplies essential to the life or well-being of the community; and for

matters incidental thereto and connected therewith, be read a Second Time.

Now, Sir, the object of the Bill before Council is to replace defence regulations which are maintained in force in this Colony and Protectorate by virtue of legislation by the United Kingdom Government exercising its legislative powers to extend to the dependent Empire. The Orders that derive from that United Kingdom legislation are the Control of Imports Order, the Defence Control of Sugar Regulations, the Defence Control of Distribution and Rationing of Foodstuffs Regulations, the Defence Sale of Goods Order, the Defence Control of Industry Order, the Defence Export Control Order. Now, Sir, the legislation from which these Orders derive is running out in the United Kingdom. Orders have been made in all the dependent territories deriving from that legislation.

In the various territories of the dependent Empire, notably in Northern Rhodesia, Uganda, Tanganyika and all the other territories, legislation on the lines of the Bill before the Council has either been passed, or is being drafted or before the Legislative Council. In the non-dependent Empire and Commonwealth, in the Dominions and in countries such as the Federation of Rhodesia and Nyasaland, again similar legislation has been as is being passed.

Now, Sir, why is this legislation necessary? Much of it is severe, powers that are serious measures for a government to take are being asked for. It is necessary, Sir, because as part of the sterling area this Government, in common with all the governments of the sterling area, whether they be dependent governments, or whether they be fully responsible governments, must have the same powers, because sterling, as an international currency, is dependent upon the same policy and the same decisions being taken in all parts of the sterling area. Now, Sir, here in Kenya and East Africa, we have only a modest part to play in the defence of sterling. Nevertheless, if one considers the financial history, the currency development over the last 15 years within the sterling area, it can be seen by those who are interested in such matters, by those who study them, that all these powers are necessary. Now, Sir, I want to make it quite clear that because these

[The Minister for Commerce and Industry] powers are being taken now, it does not in any sense mean a change in the Government's policy in running down control. The controls that I referred to under the Orders, which again I referred to earlier in my speech, are to-day almost dismantled. There is no intention at the present juncture of bringing in stricter or more arduous control, but, and here I must make it clear to the Council that the powers must be there because in the event of crisis such as the one that arose three years ago, drastic action to defend sterling had to be taken in every part of the sterling area simultaneously and immediately. There would not be time, Sir, to introduce specific legislation or special legislation to deal with a situation such as the one that arose three years ago when, in a very short time indeed, the reserves of the whole sterling area, the reserves of this country amongst others, were disappearing owing to the weakness of the currency.

Now, Sir, I believe that this legislation before the Council represents a very distinct advance towards greater autonomy and control of our own affairs. It is quite competent for the United Kingdom to legislate, as it did under war conditions, for the whole of the Colonial dependent Empire and it is competent for this Government, and other governments of a similar character, to make orders which apply to this country under that United Kingdom authority. But, Sir, they are now asking us to put those powers, which are necessary throughout the sterling area, whether it be dependent or independent, they are asking us to put them in legislation which has gone through this Council, and it is here for discussion and for comments.

I do not feel, Sir, that under these circumstances we have any great discretion. The powers that we are asking for in the Bill are powers which experience has proved necessary if we are to play our full part in the defence of sterling. But, nevertheless, it does, I believe, represent a distinct step along the road towards greater autonomy.

Now, Sir, the main powers provided in the Bill, and I will just run through them very briefly, are to take powers to prohibit or restrict imports or exports. The object of prohibition of imports is

quite obvious in relation to the defence of a currency. These powers, Sir, would not be used except in defence of the position.

Now, Sir, the restriction of exports again becomes very necessary in a time of war or crisis. So, as is stated in the Objects and Reasons, various powers are described so when it is related to the general picture, that I have somewhat inadequately tried to describe, then, Sir, it becomes clear that those powers are necessary. These powers will have to remain in the hands of Government, as indeed they must do in all other parts of the sterling area, for as long as it may be necessary to take the steps quickly that experience has proved necessary then legislation of a permanent nature is necessary. I would be misleading the Council if I did not say that. Experience has proved that these powers are necessary and I believe that in taking this further step towards autonomy we must recognize, in doing so, our responsibilities to the other members of the sterling area, and our responsibilities to ourselves as partners in what is the greatest trading and banking currency in the world; we must recognize those responsibilities and I am sure that every Member of this Council will wish to do so.

In conclusion, Sir, I would say that this Bill has been examined in detail by the Legislative Sub-Committee of the Board of Commerce and Industry. On that Committee many Members of the Council are represented. It has also been considered by the full board of Commerce and Industry on, I think, three occasions. Both the Sub-Committee and the Board endorse the objects of the Bill both in principle and in detail and amongst those present on the occasions to which I have referred there was no dissenting voice.

I beg to move.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Madan): I beg to second and reserve my right to speak.

MR. HARRIS: Mr. Speaker, Sir, in opposing the Second Reading of this Bill, I would like to congratulate the Minister for Commerce and Industry on making a speech lasting a quarter of an

(Mr. Harris) hour and not using the word "know-how". I feel it is a great improvement. It must be dictated by the fact that we are now being told from Britain how we should legislate in this Council.

Now, Sir, if we study the Objects and Reasons of this Bill, we find one underlying principle with which I am sure every Member will agree, it is the one that was emphasized by the Minister in moving the Second Reading. "It is considered to be essential to the protection of the economic life of the Colony and to the maintenance of the position of the Colony as a member of the sterling area bloc that some degree of control should continue and the provisions of this Bill are designed to provide for the machinery for such control."

When the Minister replies, Sir, I would very much like to know whether the machinery has been indicated from the United Kingdom or whether it is merely that we have been asked to enact legislation which protects the sterling areas as is suggested by that clause in the Memorandum of Objects and Reasons.

My chief reason, Sir, for opposing the Bill is that somebody said in the dark days of the war, "Whoever loses, dictatorship will win". I feel that in this Bill there is ample evidence that that statement was probably right. It is quite the most dictatorial Bill we have ever had before us while I have been a Member of this Council. May I, Sir, give a few examples.

In clause 4, the Minister may by order either prohibit absolutely or restrict, by means of such conditions and limitations as may be specified in the order, the exportation or importation of all or any specified goods or class or description of goods, either generally, or to or from any specified country or place, or to or from any specified person or class of persons". There is then, Sir, a proviso, "Provided that the Minister may dispense with such consultation as aforesaid in any case which appears to him to be too urgent to permit of such consultation".

Now, Sir, I know the present Minister for Commerce and Industry is very assiduous and loyal to the Board which

advises him. I have not the slightest doubt that the whole time he is the incumbent of his present office he will take every opportunity of consulting as suggested in clause 4. But, Sir, Ministers come and Ministers go and it would be very easy for any Minister to find an excuse under that proviso as to why he should not consult the Board of Commerce and Industry.

Then, Sir, in sub-clause (2) of clause 4, we have what I consider to be a most appalling piece of law. I am sure that the hon. Member for Aberdeen will agree with me when we find that "the publication of an order made under this section shall be deemed for all purposes to be conclusive proof of the occurrence of the necessity for the publication or restriction imposed by the order". In other words, Sir—

THE MINISTER FOR COMMERCE AND INDUSTRY: Prohibition, prohibition.

MR. HARRIS: I am sorry, Sir, I have borrowed my wife's glasses and they do not fit very well.

Now, Sir, I feel that for one man to have the right of publishing an order and to say that the very fact that he has published that order shows the necessity for the order in law, is shocking law. There must be, Sir, some limitation to the power and if we turn to clause 10 of the Bill, I would ask the Council, Sir, to bear with me—I am afraid I must read large slices of this Bill, because it is the only way in which I can demonstrate what a truly fantastic document it is. In clause 10, "The Minister, so far as it appears to him, after consultation with such persons", but let me say that here again, Sir, it is the same proviso, that he need not consult if he thinks he has not got time, he may by order, "either prohibit absolutely or control or regulate the manufacture, treatment, keeping, storage, movement, transport, distribution, sale, purchase, disposal, use or consumption of such goods". In other words, Sir, by one stroke of the pen, if he wakes up in the morning with a liver, he can stop anybody buying, selling, consuming, using, manufacturing, importing, exporting—the whole gamut of trade and industry. (Cries of "Shame!") He may, "require any person in possession of any such goods to sell such goods to a specified person, and at a specified price not

[Mr. Harris] being less than the price at which similar goods are normally sold". That, Sir, I think is about the only sop in the Bill—the chap is at least allowed to get a market price. He may "provide for any incidental and supplementary matters for which the Minister thinks it expedient for the purpose of the order to provide". Then again, Sir, comes the proviso where he need not consult in cases which appear to him to be too urgent to permit of such consultation.

Again, Sir, he may do all these things, this prohibition, controlling, regulating, he may do it all without either consultation and the very fact that it is done by him is sufficient reason in law why it should be done.

Now, Sir, in clause 6 of the Bill the Minister has now given way to a gentleman called the Director of Trade and Supply. The Director of Trade and Supply again has tremendous powers in this Bill. I will not detail them all, but he may, "in his absolute discretion, either grant or refuse to grant an export licence or an import licence, authorizing the exportation or importation of any goods, the exportation or importation of which is for the time being restricted by an order made under section 4 of this Ordinance, or may grant such a licence to such extent, &c." Then, "The Director may, in his absolute discretion, impose additional or different conditions upon the variation or renewal of any export licence or import licence".

Then, Sir, we come to sub-clause (4). "Any person who is aggrieved by the cancellation of a licence granted to him"—that is by the Director of Trade and Supplies—"may appeal in writing within seven days of cancellation to the Minister, whose decision shall be final." But, Sir, the Bill does not provide, unless I do not understand the legalese properly, it provides no appeal in cases where a licence is refused or where there is a variation of the conditions of a licence. It is only where a licence has been cancelled that there is any right of appeal and that is not to the present Minister of Commerce and Industry. Sir, but to some ultimate dictator who may be sitting in his seat.

There is a tendency, Sir, which grew up in the war years when control was

necessary, under which controllers and bureaucrats generally believed that whatever they did must be for the good of the people. Bureaucrats, Sir, should be the servants of the people but there is and has been a growing tendency over the last 20 years for bureaucracy to run democracy, instead of the reverse.

In section 11 there is a most astonishing power given to this Minister. He may, "after consultation with such persons as appear to the Minister to represent commercial and industrial interests in the Colony, necessary so to do for the better carrying out of the provisions of this Ordinance, he may—(a) by notice published in the Gazette, require any person or class of persons carrying on any trade or business, or any specified trade or business, to complete and return, periodically or otherwise"—what that means I would not know, Sir—"to such person as may be specified in the notice, and within such time and with respect to such date or dates or such period or periods as may be so specified"—going back possibly some 30 years—"such forms and returns relating to the trade or business, including the goods stocked, required, or produced therein or thereby, as shall be specified in the notice". That means, Sir, that the Minister is given power to demand of any and every trader any return, any figures, any form that he feels so disposed to require, and he may serve upon any person whom the Minister has reason to believe may be carrying on any trade or business, notices requiring him to complete and return to such person as may be specified in the notices, and within such time and with respect to such date or dates or such period or periods as may be so specified, the like forms and returns as aforesaid".

Sir, there was another Bill some four years ago when the Minister himself heard this very question of the returns of forms and of data debated in the Chambers of Commerce, particularly in the Nairobi Chamber of Commerce. I believe at that time he was in full agreement that this right of a Minister to ask commercial firms to give him a blank cheque as to the forms which he shall require, makes commercial life almost impossible, if improperly used. Now, Sir, I think I have made it clear—and I know the Minister will say in reply that he

[Mr. Harris] will not use these powers improperly—but he himself, said, in moving the Second Reading, that he wished to make it quite clear that this legislation was permanent. Unfortunately, Sir, the Minister is not.

Then, Sir, I feel that the Minister of Agriculture got at him on this one, because having said that anybody in trade or business could be made to make any return necessary, we then find a proviso: "Provided that nothing in this section contained shall empower the Minister to require the furnishing by any person of any information relating to any agricultural business carried on by such person". Now, Sir, is the assumption that it may be necessary in order to protect the sterling area, to disorganize completely commerce and industry but under no circumstances must agriculture be touched? What is the significance of that particular proviso?

Now, Sir, the British people have certain rights which they have zealously guarded through the ages and one of those is a right that nobody without due authority shall enter his premises, and clause 14—we are getting down you see, Sir—we have big dictator, the Minister, then the Director dictator, and we have now come to the Deputy Director dictator—"or any person authorized in writing by either of them, or any police officer of or above the rank of Assistant Inspector, may, if he has reasonable cause to believe that any offence is being committed on any premises against any of the provisions of this Ordinance, or that any goods in respect of which he has reasonable cause to believe that such an offence has been committed, are in or upon any premises, enter and search such premises without a search warrant for the purpose of ascertaining if such an offence is being committed or whether or not such goods are in or upon such premises, and may inspect such goods and any documents relating to them, and may seize any such goods or documents".

Now, Sir, if this is to protect the sterling area, if someone has got ten pennyworth of candles in River Road, is it any reason why we should give the power of entry without a search warrant? I believe that it is completely fantastic. If, Sir, somebody is carrying on a trade or

business which is detrimental to the sterling area—the sterling area—the British Empire; and more—surely this police officer of the rank of Assistant Inspector can go and find a magistrate and get a search warrant. I think it is appalling that we are asked to believe that some little chap detailed by the Deputy Director can go and search somebody's premises in protection of the sterling area. Mr. Speaker, it is ridiculous!

Here, Sir, in clause 16, I am afraid again I do not understand the legalese or else the draftsman is at fault, because in clause 16, Sir—and I would ask the Council to listen very carefully to the wording of this clause 16—"If the Director or Deputy Director or any person authorized in writing by either of them or any police officer has reason to believe that any vehicle contains any goods which are being transported in contravention of any of the provisions of this Ordinance, or of any order made thereunder or of any licence issued, or requirement or condition imposed under any such order or licence"—if he has reason to believe, Sir, that a vehicle is carrying these goods—"he may order such vehicle to stop, and may examine the contents thereof, and if any such person fails to stop he shall be guilty of an offence against this Ordinance." That is fair enough. Sub-section (2)—"Where any vehicle has been stopped under the provisions of sub-section (1) of this section the person stopping such vehicle may take it with its contents to the nearest police station, and the officer in charge of such police station"—Mr. Speaker—"may thereupon seize any goods found therein"—whether they are in contravention of this Bill or not. The police officer may seize any goods therein.

Now, Sir, I mentioned just now the general principles that we have always tried to retain in British Justice. It has always been accepted under British law that a person is innocent until proved guilty and it is the duty of the Crown to gain conviction, but in Section 22, Sir—"In any proceedings under this Ordinance—(a) it shall not be necessary to prove guilty knowledge; (b) the onus of proving the place of origin of any goods or that the exportation or importation of any goods is lawful shall

[Mr. HARRIS] be on the person prosecuted or claiming anything seized under the provision of this Ordinance".

Then, Sir, there is the question of the site at which a person shall be tried. "Any person charged with any offence against this Ordinance may be proceeded against, tried and punished in any place in which he may be in custody or charged for that offence as if the offence had been committed in such place; and the offence shall for all purposes incidental to, or consequential upon, the prosecution, trial or punishment thereof be deemed to have been committed in that place."

The whole Bill, Sir, right the way through, is full of what I would have thought unnecessary impositions on ordinary people in trade and commerce. Going along to Section 22, sub-section (4), we find that "Where any proceedings are brought against any officer of the Government on account of any act done, whether by way of seizure of any goods or otherwise, in the execution or intended execution of his powers or duties under this Ordinance"—and remember, Sir, the gentlemen who have powers under this Ordinance—"and judgment is given against such officer, then, if the court before which such proceedings are heard is satisfied that there were reasonable grounds for such act, the plaintiff shall be entitled to recover anything seized or the value thereof, but shall not otherwise be entitled to any damages and no costs shall be awarded to either party". Now, Sir, we have the position here where one of these gentlemen that I have mentioned before makes a mistake. It is a human falling and this clause, I take it, is designed to cover the agent of the Crown who makes a mistake and wrongly seizes goods which he believes, quite honestly, were in contravention; but is then found they are not in contravention so the trader, Sir, probably after having paid one of the legal fraternity's fees, he is then enabled to recover anything seized or the value thereof, but shall not otherwise be entitled to any damages and no costs. Now, Sir, particularly in a country which lives to a very large extent on trade and industry by importation, that can be a very, very harsh clause indeed,

when it originates from a mistake of an agent of the Crown, with the shipping delays that we have had in the past few years. I am quite sure my friend, the Minister for Commerce and Industry, will appreciate what this procedure might mean in the event of similar delays in future and as this is permanent legislation I cannot at the moment, Sir, see any likelihood that we shall never have shipping delays again.

But, Sir, there is also the question of seasonal goods: A great number of traders, even in this town and more throughout Kenya, tie up quite a lot of money in order to get a particular seasonal trade. The Christmas trade is probably the best example. Now, Sir, if goods arrive in November and one of these agents believes that it is in contravention of the Ordinance, the goods are seized. I think it most unlikely, Sir, that those goods will be on sale at Christmas time, which means that the capital invested in those goods is tied up for twelve months; and it is quite likely, with modern developments in trade and industry, that in fact those goods would not be saleable at the original price twelve months after they were bought.

I would suggest, Sir, that that is just another example of hasty drafting, and here I would like to say, Sir, that I am a member of the Board of Commerce and Industry which, I understand from the Minister, approved without dissent both the principles and the details of this Bill. I think I made it clear at the beginning that I agreed entirely with the underlying reason for this Bill. Unfortunately I was absent at the time when it was discussed by the Board of Commerce and Industry, otherwise I would not have been belabouring the Council quite so much this afternoon.

Now, Sir, the Minister, in moving the Second Reading, made a great point that this Bill is a step towards autonomy. I know exactly what he means, Sir, but it is a frightfully back-handed way of getting autonomy when he admits, in fact, that this legislation came straight out from London and we were asked to implement it. It does not sound to me very much like autonomy.

AN. HON. MEMBER: What does it replace?

Mr. HARRIS: It replaces an Order which I had hoped—and I think every Member of this Council hoped—would have been dead many, many years ago. Later, Sir, I intend to deal with the question of the permanency of this legislation, because I do not believe it is necessary to protect the sterling area for ever; in fact, it might easily be some other financial area to which we were members before very long. But, Sir, the Minister also said, that all dependent—

ADJOURNMENT

THE SPEAKER: The time has now come for the interruption of business. I therefore adjourn Council until 9.30 a.m. to-morrow morning; Friday, 28th October.

Council rose at eighteen minutes past Six o'clock.

Friday, 28th October, 1955

Council met at thirty minutes past Nine o'clock.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWER TO QUESTION

QUESTION No. 4

Mr. MATHU asked the Minister for African Affairs to state whether he intends to publish the report of the Committee he appointed in February, 1955, under the Chairmanship of Judge Holmes to inquire into the working of the African Courts and if the reply is in the negative will the Minister give the reasons why?

THE MINISTER FOR AFRICAN AFFAIRS: The hon. Member will have noted that Part II of the Holmes Report has been released to the Press and that a summary appeared in the issue of the *East African Standard* on Monday, 17th October. The reasons for the Government's decision not to publish Part I of the Report were expressed in the leader in the *East African Standard* on the same day.

Mr. COOKE: Mr. Speaker, is it wise of Government to give the impression that there is something they want to suppress in this Report? Is it wise?

THE MINISTER FOR AFRICAN AFFAIRS: I think, if I may, Sir, I would repeat that part of the Governor's statement on this as I do not think it really can be construed in the way the hon. Member is trying to do. The statement said, Sir, "Part I of the Commissioner's Report dealing with the District African Courts of Appeal in Nyeri district is that most of this Report is closely related to a judgment of the Supreme Court. The Government carefully considered it and decided that its publication would be contrary to the public interest". This makes it fairly clear.

MOTION

THANKS FOR EXPOSITION OF POLICY BY HIS EXCELLENCY THE GOVERNOR

Debate resumed.

THE CHIEF SECRETARY: Mr. Speaker, Sir, when Council adjourned on Wednesday I was speaking about the

[The Chief Secretary] Information Services and had mentioned the urgent need for increased regional wireless broadcasts to supplement the African broadcasting services from Nairobi. I explained that to satisfy the demand for a full regional service in Nyanza, we proposed to set up a transmitting station in Kisumu. Sir, there is a parallel demand at the Coast. We have decided that we cannot wait for the introduction of any scheme which may arise from the Kenya Broadcasting Commission Report and that we must push ahead with the extension of the service which we now provide at Mombasa. The present facilities there are restricted to two-and-a-half hours broadcasting time a day in Swahili and Arabic. We are extremely grateful to the Cable and Wireless Company for the use of their set, but, of course, it is not really designed for more than short-range broadcasting. The range of the transmitter is limited and the wavelength is such that the programmes are subject to interference and swamping from outside sources. There is a good deal of intensely critical propaganda—I might even say hostile propaganda—directed to the Coast from outside the territory; and it is extremely important that we should be able to put in a programme which will be of greater interest to the local people than these undesirable outside programmes and just as easily received. I shall shortly be asking my hon. friend, the Liwali, to assist me in the formation of an Arab Advisory Committee on Coast broadcasting. The cost of these two sets, the transmitting stations at Kisumu and Mombasa, will be formidable, but, in the opinion of the Government, they are quite essential. The Information Services next year will have to cut their coat according to their cloth and it may be that we shall have to reduce certain other services in order to have funds available for these two regional stations.

I should like to make it clear that these stations are not a substitute for the development of regional broadcasting which may come as a result of the Kenya Broadcasting Commission Report. They are more of an interim arrangement designed to meet the immediate demand as economically as possible.

I would like to say too how grateful we are to the Postmaster General for all his technical help.

I now come, Sir, to three matters which will be debated during this Session. The extension of the life of the Central Legislative Assembly, the Combs Commission and the question of immigration. There is no need, therefore, for me to deal with any of these matters now. The Central Legislative Assembly Motion will be debated by this Council next week and it is the urgent desire of the Government to get the Coult's Commission Report and the White Paper before this Council before the end of the year.

As far as immigration goes, I would like to say how grateful I am to the hon. Member for Eastern Area for his tribute to the officers of the Immigration Department. They are more accustomed to brickbats rather than bouquets. I trust he will not think it discourteous of me to have delayed so long in expressing my thanks for his kind observations of last Thursday week.

The hon. Member for the Western Area, who is unfortunately not here to-day, expressed surprise that there was no statement on constitutional matters in His Excellency's speech. I am uncertain, Sir, as to what he expected. In Command Paper No. 9103, which formed the Annexure to Mr. Lytton's Constitutional Dispatch of 14th April, 1954, it was clearly stated that the arrangements set out in the dispatch, and in the Command Paper, would be regarded as experimental until the next General Election. What happens after the Election will depend on whether or not the electorate returns Members who are willing to serve as Members of a Government formed in accordance with these proposals.

I now turn, Sir, to the question of the Rural Wages Committee concerning which certain inquiries were made by the hon. African Representative Member, Mr. Mathu. I should like to explain what has been achieved so far. In order that the Committee may be in a position to make recommendations to the Government on the many, very complicated problems which it has to consider, a questionnaire dealing with the dozen major points of policy was drawn up

[The Chief Secretary] and distributed to a large number of individuals and associations. We have received something like 120 replies, many of which are long and closely reasoned—others are long and not quite so closely reasoned but they are all of considerable importance. A summary of the views put forward in the replies has been prepared and has been sent out to all members of the Committee. In ten days' time the Committee will meet having digested in the interval what was said. In these various replies, and will decide upon its field programme—that is to say it will work out an itinerary of visits to farms, plantations, ranches, saw mills and so on to collect evidence. Evidence will be given both by farmers and managers and by agricultural employees.

While this questionnaire was in circulation and whilst replies were being awaited, we carried out a rural wages survey. This entailed visits to farms on 200 occasions; by officers of the Labour Department who collected information under a score of different heads such as the average rates of pay, the value of rations issued, the value of cultivation and grazing rights, the value of miscellaneous emoluments such as fuel and medical attendances, the estimated annual cost of housing, leave privileges, cost of recruitment and so on. With the help of the East African Statistical Department, all these figures are now being collated—they have in fact been analyzed, and collated and will be ready for submission to the Committee when it meets again in ten days' time.

As to the question of the Chairmanship, which was raised by the hon. Member, I cannot say more than that the Government is aware of the difficulties to which the hon. Member referred. Nor, alas, can I give a date for the completion of the Report. The Committee has before it three times as much material as the Carpenter Committee had, but I can promise that it will not take three times as long.

I now come, Sir, to various miscellaneous matters raised by hon. Members in the course of the debate. Both the hon. Member for Ukamba and the hon. African Representative Member, Mr. arap Moi, mentioned the length of

time spent by District Commissioners in their stations. Well it is the policy of the Government, and has been for a number of years, to keep a District Commissioner in a station for a period of five years. It is not always easy to arrange that this in fact happens. We have to compete with sickness, and with leave and with the pressing need to relieve men who have served for a long time in the operational areas. But, on the whole, we have been successful. I know it can be said that many stations have had six District Commissioners in as many years, but all the important stations, all the more heavily populated stations, have had District Commissioners for a considerable period and I think we have managed to achieve a very satisfactory continuity of demand.

The hon. African Representative Member, Mr. arap Moi, also raised the question of educational development in the African areas of the Rift Valley Province. May I explain what arrangements are made for teacher training. Teachers are trained at the following centres: The Government Teacher Training Centre at Kapsabet, the Government Centre at Tambach, the Africa Inland Mission Centre at Kijabe, the Africa Inland Mission Centre at Kapsabet, and the Catholic Mission Centre at Kitale. Trainees are also accepted at the Kariango Government Centre; which hon. Members know is in Kericho, Masai teachers.

MR. ARAP MOI: Arising out of that question, Sir, is the hon. Minister not aware that Kapsabet Teacher Training Centre will not be functioning next year, and it is the only Centre in the African area that trains teachers of a higher grade.

THE CHIEF SECRETARY: No, Sir, I did not know, but I am grateful for the information. Masai teachers are trained at the Government Centre at Kabanga, at the Government centre at Machakos and at the Government centre at Kitul. I agree this does not appear entirely suitable, but the hon. Member must bear in mind that the Masai have not evinced that enthusiasm for academic education, or indeed any education other than stock management that we find for instance in Nyanza—and who shall say that they are wrong.

[The Chief Secretary]

Plans for the development of primary intermediate schools are prepared. It is hoped to increase the number of primary school's from the 254 which exist at present to 450 in 1960 and to increase the number of intermediate schools from 19 at present to 55 in 1960. I would like to add here that the increase in primary school's since 1952 has been from 109 to 254, and in intermediate schools from 3 to 19. I think this record reflects great credit on the Education Department.

On the subject of education, Sir, I would like to reassure the hon. Nominated Member, Mr. Tyson, about the Kwale Trade School. It is in fact to open in January next year.

The hon. African Representative Member, Mr. arap Moi, also raised the question of date culture in the Northern Province. We have, of course, over the years made many experiments in the culture of dates. My hon. friend the Member for the Coast was prominent in these rather abortive projects. The reason is, of course, that the climate is unsuited to the date. It is commonly said that the date exists in four elements—its feet in water, its body in earth and air and its head in fire. Although the N.F.D. can be tolerably sultry from time to time, it is not a hot country as date growers consider heat and, of course, the water table is extremely low. It is probably beyond 300 ft. in the sediments and at fathomless depths in the lava country, so the date enjoys neither its head in the fire, nor its feet in the water. There is a further difficulty. The date, like the camel, does not flourish in an entirely wild state because, like the camel, it has a rather peculiar sex-life which perhaps I can explain to the hon. Member afterwards.

Both the hon. Member for the Coast and the hon. Member for Nairobi North raised the question of the return of Kikuyu to Nairobi and the application of certain regulations governing the removal of undesirables from the city. The hon. Member for Nairobi North inquired whether the hon. Minister for Legal Affairs was aware that these regulations had lapsed. Well, Sir, he is aware—the regulations are no longer necessary. What happened was that in 1954, about 75 per cent of the adult male population, working population, of Nairobi were Kikuyu,

and the great majority of these people were either active or passive supporters of the *Mau Mau* movement, or were in tacit sympathy with the movement. I say that this reflects all the more credit on the gallant band of loyalists who stood out. It was quite impossible for us to say which were the bad and which were less bad, because the influence exerted by the gangs was so great that nobody dared to defy them and to give their support to the Government. As a result we had to introduce legislation to enable us to pick up a very large number of people and then to sort them out at our leisure. That has been done. All those who were picked up under "Anvil" have either been released or have been converted to individual detention orders. There is therefore no further need for that regulation and the position is now such that there is no longer any need to adopt this rather blunderbuss method. We can select the guilty man and pick him up individually.

MR. COOKE: Will the hon. gentleman give way? I was referring to the men, Sir, who were taken from Nairobi and sent back to the Reserves and whose grievance is that no charge has been brought against them. They have not been to detention camps and they are not permitted to seek work.

THE CHIEF SECRETARY: Well, Sir, I know it is thought awfully unpardonable these days to refer to the Emergency and the part the Kikuyu play in it, but the fact is that in 1954 no decent man could go about his business in safety; the reason was that the city was dominated, both in numbers and influence, by the Kikuyu, and we do not propose to allow them to come back until that is remedied.

MR. COOKE: I am asking the hon. gentleman to redress that grievance now.

THE CHIEF SECRETARY: We will naturally redress the grievance as soon as possible and the quicker we get co-operation and the quicker witnesses will come to Court to give evidence, the sooner will matters be put right. I would like to reassure the hon. Member for Nairobi North that we are not complacent about the possible future activities of this subversive movement. We are aware that it may attempt to penetrate the trade unions; we are also aware that it may adopt methods far more subtle and far more difficult to counter; we are

[The Chief Secretary] watching the position as carefully as we can.

One small point raised by the hon. Member for Nairobi North—I am afraid I am going to give him a reply straight from the Secretariat—concerns development in certain urban areas. The Government has no wish to be hard on lessees of Crown land and full consideration will be given to the circumstances in which the development conditions have not been carried out. That is to say that we will, of course, consider every case on its merits and make certain that no hardship is inflicted if it can possibly be avoided.

Finally, Sir, a few points raised by the hon. African Representative Members, Messrs. Mathu and Gikonyo, concerning African affairs. First they expressed some uncertainty with regard to the policy of the Government over village development. I thought this matter had been very clearly explained by my hon. friend, the Minister for African Affairs, and amplified entirely in the spirit of Government's policy by the hon. Member for the Coast. I would like to repeat that it is the intention of the Government that, except in the very thinly populated areas of Meru and Embu, these villages should, in the future, be a normal part of African life. But, as has been stressed, this policy will be as flexible and elastic as possible. The Kikuyu farmer, for instance, who works his land with the advice and under the supervision of the Agricultural Department will, of course, be allowed to live on his land—there will be no question of him living in the village. That is a very obvious example. I would add that permission to live outside a village will depend on character as well as upon economical agricultural necessity. The man in whose back garden the police have just dug up two or three, three-year-old bodies, will naturally not be encouraged to live apart from the supervision which can so easily be supplied in a village. It is, Sir, our firm intention that these villages should become centres of a decent, dignified, stable social life and, to achieve this end, the Government is providing, and will continue to provide, all services and facilities it can afford. There has been an enormous change since the early days of

what I might call the "operational villages" and there will be even greater changes. I need hardly say that the pace at which we can move will depend, to a very large degree, upon the co-operation accorded by the inhabitants of the villages.

The hon. Mr. Gikonyo did rather chide us at the slow rate of progress in Central Province over African roads, African housing, land—that is to say land surveys—medical services and so on; I can explain the reason in a very few words. The money which we should have devoted to these purposes and the men whose skill would have been employed on these particular tasks have, of course, been diverted to quelling the insurrection of the Kikuyu—they cannot have it both ways.

As for the feelings of injustice and bitterness which are said to exist concerning the use of land for villages, the Government realizes that this is a matter which must be remedied and, as soon as it can be, it will be. It is our intention that there should be no avoidable hardship or that this bitterness should not be allowed to take root. But, Sir, I must express some surprise at the blind innocence with which this hon. Member raised this matter. I suppose James I would have felt just as surprised if Guy Fawkes, having failed to blow up the Houses of Parliament, had sent in a claim for compensation for singed eyebrows.

Finally, Sir, I will spare hon. Members the usual platitudes about going forward together and all pulling hard in the boat; but I must warn hon. Members that we have a very, very difficult 12 months ahead of us which is going to need the greatest concentration of effort, both over our present problems and over our future planning. We shall be working without the stimulus of shared hardship and shared danger and, instead, we shall have to cope with the inevitable aftermath of a civil war—suspicion, mistrust, and defeatism. As our grandmothers used to tell us, we must rise above them.

Sir, I beg to support.

MR. HARRIS: Mr. Speaker, Sir, in supporting this Motion I would not like anything that I say to be a criticism of the editor of the Speech which we are

[Mr. Harris] debating, but, Sir, there are several criticisms I have of the authors of that Speech. I know, Sir, that they are the authors, because if one studies the Speech carefully, one finds that owing to absence the Minister for Agriculture and the Minister for Forests omitted to send in their essays.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: On a point of explanation—to what absence is the hon. Member referring?

MR. HARRIS: Not of the then Minister without Portfolio.

The Minister for Local Government, Sir, has sealed his contribution with his usual trade mark of the split infinitive. The Minister for Commerce and Industry, Sir, although absent, has overlaid the essay from his department with his usual spirit of optimism.

The trouble, Sir, with this anthology of essays is, of course, that it is a very nice account of housekeeping, but there is very little vision; there is very little hope. It is, perhaps, not coincidental, Sir, that for two if not three years, the Speech from the Chair has ended by likening Kenya to a sick man. I feel, Sir, that next year we might suggest that one of the authors should turn his attention to the condition of the spirit of Kenya, rather than its body. There is very little in this Speech which can create enthusiasm to go forward in accordance with the platitudes that the Chief Secretary did not mention.

It is extraordinary, Sir, that every year this debate takes on very much the same form. We greet the Speech, which is written in a spirit of optimism, but when we come to the reply, which is usually given by my hon. friend, the Minister for Finance, we find nothing but depression. I think probably, Sir, that is because the Speech—the essays—are founded on hope and the reply has to be based on fact.

Now, Sir, some Members on this side have asked for a reduction in taxation. I will deal with that in detail later, but, Mr. Speaker, I think we should, whilst paying tribute to the Minister for Finance for the very excellent job he has done on several occasions in explaining

to the people of Britain why we are unable to pay more; suggest that he should remember his own arguments when he returns to this country.

The hon. Member for Mau, Sir, quoted taxation figures taken from a report showing what taxation is levied in Rhodesia. I remember, in the Budget debate two years ago, I gave the comparative figures of income tax paid by certain classes in this country and certain classes in the United Kingdom, showing that in certain income groups, the direct taxation payable in this country was greater than that in Britain. The Minister for Finance replied at that time to the effect that we should not compare our taxation with Britain, we should compare our taxation with comparable countries who are competing with us for the investment of capital. I think that is a fair summary of his reply. I agree with it entirely and I hope that now he will consider the figures quoted by my hon. friend, the Member for Mau, because when a company or even an individual is considering investment outside the United Kingdom, they have to take into consideration, not only questions of taxation, not only the return on investment, but also the security risk of that capital. In fact, Sir, it might be said that they have to decide between the possibility of nationalization in Britain and nationalism in Africa.

Still dealing, Sir, with finance, I am sorry that the Speech did not tell us what was the effect of the withdrawal of certain battalions and the withdrawal of the Royal Air Force effort from Kenya—what effect that is having on our monthly Emergency expenditure. I think perhaps the Minister for Finance, in winding up this debate, might tell us how that cost is running to-day.

On costs, Sir, one naturally thinks of what—which is going to be a very long-term cost—at the moment we group together under one heading called rehabilitation. Rehabilitation of the Kikuyu tribe is a matter which I am afraid is going to prove costly in the years ahead. Now, Sir, on rehabilitation—I listened with interest to the speech made some time during the last few days by the Minister for Community Development. I had the privilege, Sir, of seeing that Minister in action in London during

[Mr. Harris] this summer as the first African Minister from this Colony. I have the greatest respect for the work which he did in London and I have the greatest respect for some of the work he has done in this country. I have paid tribute to that work publicly but, having listened to his speech in this debate, I do not believe that, by appointing that Minister to be in charge of rehabilitation, we are putting rehabilitation in its right perspective. From all sides of this House during the debate we have heard that rehabilitation is our biggest problem of the future. That being so, Sir, I believe that it should be given to the most experienced and the most competent Minister. I believe that whatever other job is dropped at the present time, the most capable Minister we have should take over rehabilitation. Now, Sir, the Minister explained to us in great detail—it seems now, Sir, that there is competition on the other side of Council as to who is the most competent Minister.

AN HON. MEMBER: The hon. Member for the Coast.

THE SPEAKER: Order, order.

MR. HARRIS: The Minister for Community Development, Sir, explained to us the system of the pipeline. Having heard it, it reminded me very much of that song that was sung when I was young—"the music goes round and around and it comes out here"—because Sir, nobody knows where it is coming out. I would like information from the Government to tell me how many people who have been through this pipeline, who have been put to work, having gone through all the stages, and then been sent back to the beginning, rather like a game of snakes and ladders on a Delegated Detention Order. I believe, Sir, that the proportion is very high indeed and shows that the system is unjustifiable. The Minister for Defence says "No." I do not know what he considers high, but in certain examples that I have heard, where there has been a 30 per cent return, I would have called that high.

But, Sir, I am not sure that we are tackling this matter in the right way at all. I do not believe that rehabilitation is a welfare service. I do not believe it is a psycho-religious problem. I believe

that rehabilitation—and the Germans understood the word pretty well—I believe that rehabilitation merely means teaching people in the best way to your hand that it is more advantageous to be on the side of decency and law and order, rather than to be on the side of subversion and indiscipline. In other words, Sir, what we have got to show is that this subversion we have suffered from does not pay. Rehabilitation is a modern word, but the process is as old as the hills and it is only now that we try to use new methods which do not seem to be as effective as some of the old.

He did mention that it is intended, on the return of the Kikuyu, first of all to start with small pilot schemes. I believe if, as I suggest, the most capable Minister we have is put in charge of this most important work, and if a realistic view is taken of the problem, we might well be able to turn those small pilot schemes into considerably larger schemes very soon.

Now, Sir, I turn to two points made by two of the African Members. Both of them gave the Government very serious warnings on the dissatisfaction there was among the old landowners of land now used for African villages. The second problem which they pin-pointed is the problem of the uncared-for, undisciplined, untrained youths that are now such a feature of our life. I would ask, Sir, the Government to accept my reinforcement of the arguments that they used on both those problems. There is only one thing—the hon. Member, Mr. Muthu, did raise the old canard of the stolen land, and I think it should be made quite clear here and now that there is no question of any of this land having been stolen for any other purpose than the use and protection of loyalists of the Kikuyu tribe.

MR. MATHU: I thank the hon. Member for giving way. The only point I mentioned was that this might be an excuse to the extremists to use to say it is robbery in a different form. It is not exactly the same.

MR. HARRIS: I appreciate that reinforcement of argument. I did not want anyone to think that this land was taken for any other purpose than for the protection of loyal members of the Kikuyu tribe.

[Mr. Harris]

Now, Sir, in the speech, there is the sentence dealing with labour matters—as touched on by the hon. Chief Secretary. The sentence reads: "The question of rural wages is at present under examination by a special committee." Mr. Speaker, I believe that the question has already been answered for the committee by the present labour policy of the Government. I refer particularly to these things called wages councils. Now I am a believer in a policy which enables the employer and the employed to get together to thresh out their differences and come to a reasonable settlement. But, Sir, in discussing trade unions some time ago, in special relation to the Nairobi City Council, I made the point that trade unions should be by the work and not by the particular form of employment. There is a difference. Now, Sir, recently we have had wages councils set up and Wages Orders—I think I am right in saying—for the garment workers, the hotel workers and for the transport workers. Now, Sir, it is very significant that all of these three trades which have been chosen are trades which employ all sorts of people apart from the people who are doing a technical job in that particular trade. Also it is significant that they are trades which are Colony-wide.

I am only going to refer, Sir, to the Hotel Order, but that is typical of what is happening in the other trades. For Members of Council who do not know, Sir, the Wages Order for the hotels lays down certain rates of pay for all types of employees in the hotel trade—in one column what they shall get in Nairobi and Mombasa; in the next column, elsewhere. "Elsewhere" is the Nairobi and Mombasa figure reduced by the average difference between the cost of living in Nairobi and Mombasa and the other towns in which there is a Minimum Wage Order in force. Now the effect of this, Sir, is that a *shamba* boy employed in Nairobi gets the present minimum wage, which is Sh. 75 a month. That is Nairobi and Mombasa. Elsewhere he gets a percentage reduction on that Sh. 75, which I think I am right in saying gives him Sh. 62, or Sh. 63 a month. Now, Sir, consider the effect of this on agricultural wages: It

does not matter very much what the *shamba* boy is paid at the Norfolk Hotel to the farmer at Molo, but it does matter a tremendous lot to the farmer at Molo what the *shamba* boy is paid at a hotel in Molo. What has happened, Sir, with this new Order, is that in the hotel trade you are getting people being paid under this Order out of all proportion to the general wage levels in those areas in any other trade.

Now, Sir, I am not making a plea for a standstill on wages; I believe in wages being increased; but I do charge the Government, Sir, with implementing a general wages policy by the use of the particular legislation. There can be no doubt, Sir, when you study the trades for which Wages Orders have been issued, that that, in fact, is the policy of Government and it is only natural that this committee which is dealing with rural wages is going to hear a considerable lot about what are paid to comparatively menial employees in these three trades for which Wages Orders have been issued. I would appeal, Sir, to the Minister for Labour to consider the point which I have now made twice, that in setting up wages councils, due regard must be had to unrelated but adjacent trades before any Orders are implemented.

That brings me, Sir, to one other point on wages councils. Under the Wages and Conditions of Employment Ordinance, if the Minister sets up a wages council in any particular trade, he has to do it by notice which is laid in this Council. If there is no Motion on that Paper within 30 days, the Order becomes law and the wages council is then set up. In other words, Sir, it is left to the discretion of this Council to decide whether that wages council shall or shall not be set up. I believe there are very, very few Members of this Council who would ever try to oppose one of those wages councils. But, Sir, when the wages council has sat and produces an Order which has considerable economic repercussions throughout the country—as I have tried to explain for the hotels, garment workers and transport—then, Sir, all that has to happen is that that Order is published twice in the *Gazette* and once in newspapers circulating in the territory and then becomes law.

[Mr. Harris]

Now, Sir, I would appeal to the Minister for Labour to consider an amendment to that law whereby it is the Wages Orders that are laid on the Table of this Council, and an opportunity given for debate.

When we started the present procedure, Sir, of having this debate on the Speech in the autumn of each year, the Minister for Finance invited us to frame our speeches in such a way that it would give him an indication of how we would like—whether he would take any notice or not, of course, in his business—how we would like him to frame his Budget. I was very interested to hear the hon. Secretary to the Treasury tell us that present indications are that we have attained estimated figures. In fact, Sir, we are not so bad as we might be.

I also remember that on two occasions the Minister for Finance said that whenever he has an opportunity of considering a reduction in taxation, he will always consider first the Coffee Tax—the Export Tax, Sir, which I always relate to the Coffee Tax—I cannot agree with my hon. friend, the Member for Mau—in fact, I thought it was almost *Mau Mau*—on this occasion, when he suggested that now Africans are growing coffee, we should keep the Coffee Tax on. I would prefer, Sir, to think of some other device that does not offend principles in raising money from those African coffee growers, and I would not like the Minister for Finance to quote me as saying that Income Tax does not offend principles; but I think that would a more satisfactory way of collecting tax from the now African-produced coffee.

Alternatively, Sir, Members on this side have made many suggestions over the years for graduated African tax, and I would have thought that the increasing income of the African population which it is raising from cash crops, is a very good reason why the graduated tax should come back into the sphere of practical politics.

The Minister for Commerce and Industry, Sir, gave us a homily on the Company Tax being favourable in this country. I notice that, when the Member for Mau was quoting taxation in Rhodesia, the Minister for Finance said: "Ah, yes, but how about Company Tax?" It looks

to me, Sir, as though the present financial policy of the Government is to put on any taxes that are necessary, but always to come back and say "Look at Company Tax".

Now, Sir, look at Company Tax. I invite them to, and I wonder, Sir, whether it is because of the lowness of Company Tax that that car assembly plant at Mombasa that we heard so much about last year is not going ahead. We have not heard anything about that.

AN HON. MEMBER: It is going.

MR. HARRIS: Anyway, Sir, I am very glad to hear that it is, but I do wonder whether this company tax is the only thing that matters. My hon. friend, the Member for Mau, tried to make the point that he was talking of individual agriculturalists. Well, Sir, even in company, even a whole society, is only made up of individuals, and you will not get commercial or industrial endeavour if the individual component parts, the human component parts, of that industry are being overtaxed. I believe that this country has got to the stage now where it is being overtaxed. I know, Sir, that the Minister for Finance will remind us that at the moment we are on remittance. It is a matter for debate, Sir, as to what responsibility Britain holds for the origin of the events which have cost us so much in the last few years. I am not going to enter into that, but, Sir, I have invariably thanked the people and the Government of Britain whenever we have received this financial assistance, but, Sir, I do not think that that meant that we were losing our autonomy. The Minister for Health and Local Government quite rightly said that autonomy in local government goes to him who pays his way. I agree with that sentiment entirely, Sir, but I wonder when he has been doing the job for which I have already congratulated him, the Minister for Finance has pointed out, not to the financial gentlemen of England, but to the ordinary people of England what we pay in indirect taxation; what services we enjoy or do not enjoy here that they do. There is always an inclination, and I have found it particularly among politicians in Britain, to compare our rate of taxation with their rate of taxation and conveniently forget our standards of services and their services.

[Mr. Harris]

Now, Sir, I would like just to pick out, very quickly, one or two points which have been made during the debate. The first, my hon. friend, the Nominated Member, Mr. Tyson, who called to task the committee which was set up to aid secondary industry for having delayed their report: I was a member of that committee, Sir, and I notice that the hon. Member went straight on to discuss the Royal Commission Report and he said, "Do not hurry in producing your White Paper because of changing circumstances". Well, Sir, the other committee also had changing circumstances, but there is a great difference. The committee to aid secondary industries was dealing with practical possibilities. The Royal Commission Report is dealing with political theories and you have to be far more careful of changing circumstances when you are dealing with practical possibilities than you are with political theory. The Minister for Agriculture, Sir, concluded his address by saying that we can only exist on financial nourishment. It is absolutely true, Sir. What we, on this side, are afraid of is financial glutony.

Now, Sir, I would like to thank the Chief Secretary for his very excellent exposition of the Government policy on the Civil Service. I think it was one of the best things that I have heard in this Council. I would also like to thank him, Sir, for indicating that he was considering a change of working hours, particularly at lunch time among civil servants in the towns. As he probably knows, it is a thing that the Chamber of Commerce have been asking for for a long time as they believe that the lead in staggered hours must come from Government.

On the question, Sir, of the lapsed regulations in Nairobi, I would ask the Chief Secretary to consult with the representatives of the Minister for African Affairs and the representatives of the Minister for Defence in Nairobi and get their views on those lapsed regulations. I do not wish to say any more about it at this stage, but I think if he would follow my advice he might find that there was reason for reimposition.

The Member for Mombasa, Sir, asked me to say that he was disappointed at

the apparent lack of interest shown by the Chief Secretary in the tourist trade. The Chief Secretary seemed to be more concerned to reprove both my friend, the hon. Member for Mombasa, and the hon. Member for the Coast, about worrying him on a matter that was primarily the concern of the Minister for Commerce and Industry.

THE CHIEF SECRETARY: Would the hon. Member give way? What I said was that if he wanted any help he could come to me and I would be delighted to do anything in my power to help him, but that I had no sympathy with a political approach.

MR. HARRIS: I hope, Sir, that having given that undertaking twice, it will have double the force that it would have had before.

Now, Sir, in the speech, and in conclusion, the thanks of His Excellency and of us were accorded to: General Lathbury. I believe that everybody in this Council would re-echo those thanks. But in this regard I would like to remind the Council that since 1952 when the Emergency broke out, in substantive and acting ranks, we have had three Governors and a Deputy Governor; we have had three Commanders-in-Chief or overall Commanders; we have had three Chief Secretaries; we have had three Commissioners of Police; we have had three Ministers or Members of African Affairs and so on and I would like to thank, Sir, the continuity men, the Minister for Agriculture until recently, the Minister for Finance, the Minister for Commerce and Industry and particularly the ex-European Minister without Portfolio. I think that these Ministers have made a continuous contribution to the Emergency which is not realized by many people in this country and, in saying this, Sir, I would, particularly as he has now given up his duties, pay a tribute to the present Minister for Agriculture. I think the work that he did when he was on the War Council is probably underestimated by most—but I believe that a great deal of the success which we are now achieving in the Emergency can be placed at his door. It is true, Sir, that, and perhaps he should be thanked for this, that during the whole of the time he carried out those duties, he seems to have

[Mr. Harris]

to invited the whole criticism which might well have been aimed at some of his less permanent colleagues on the other side and outside this Council, but I would not like this occasion of his transfer to a Portfolio to go unnoticed.

Therefore, Sir, in supporting this Motion, I pass him my thanks.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, in rising to support the Motion on the points that I have to deal with, I would, of course, follow the usual custom of placing the last first, and therefore, Sir, cover the points dealt with by my hon. friend, the Member for Nairobi South, first in a somewhat long list.

My hon. friend, Sir, was referring at one time to the number of detainees in the pipeline who had had to be sent back upon delegated detention orders and implied, I think, that this number was large and, indeed, quoted one instance in which he said he had knowledge or information that the percentage was about 30 per cent. I think, Sir, it would be wise to clear our minds as to the categories. There is, of course, the category of detainees released completely. There is the sub-category, if I may so put it, or within that group, of those who are rearrested and put on delegated detention orders or those who have been killed or captured having rejoined gangs. Now, Sir, the number in those two categories is extremely small. The number of detainees who have been actually released and who have been rearrested and put on delegated detention orders can be estimated at under 50 from a comparatively high number of releases, and the number of released detainees who have been killed or captured having rejoined the gangs could be placed as under 5. So that in that category, I think the hon. gentleman will agree that his fears are not founded.

Now I think what the hon. Member for Nairobi South was a little confused about perhaps was the detainees who are working down the pipeline from, should we say Manyani, to the works camps, moving to see if they are fit for release. They are never out of the pipeline, they are, therefore, never free from supervision and control and if at a late

stage in that pipeline they are found to be irreconcilable, shall I say, or there is suspicion that their conversion has not been thoroughly well-founded, if there are reasons for believing that their professions of repentance are only professions and not heart-felt, and they are consequently, at that screening stage, found unfit for release and sent back to the very beginning of the pipeline. Now, my hon. friend, the Minister for Defence, would say that there are several hundreds of those, but I think that that is a very natural happening in the progress of events. They are at all times kept inside the pipeline of supervision and control.

My hon. friend, Sir, referred to my hon. friend, the Minister for Community Development. I would say, Sir, that in my opinion, and I think of every one of his colleagues, the hon. Minister for Community Development has done a first class job during the time he has been carrying his responsibilities. But my hon. friend's fears seemed to be founded, I think, on somewhat again of a misapprehension. Rehabilitation is not the responsibility alone of one Minister, it overlaps many Ministers. My hon. friend, the Minister for African Affairs, has a particular interest in this, because the Administration has to carry a large proportion of the physical responsibility on the ground. As I think my hon. friend for Nairobi South is well aware, we have had recently the appointment of a special Commissioner with experience of the Central Province who will carry the special responsibility for the execution of policy in the rehabilitation sphere in so far as the Kikuyu, Embu and Meru tribes are concerned. Again, I would come back to the point that there is the overall collective responsibility which entitles any Minister to express to another Minister and to the Government in general his fears if a policy should seem to be going wrong.

MR. HARRIS: I think the Minister for giving way, Sir, would he tell us who is the special Commissioner responsible to?

THE MINISTER FOR FINANCE AND DEVELOPMENT: The special Commissioner responsible is, I think, to the Minister for African Affairs and I hope that that clears that point.

[The Minister for Finance and Development]

Now, Sir, my hon. friend dealt with several taxation points which I shall take up in the general line of reply, but he did speak at some length about rural wages and indulged in the habit which I regret to say, seems to be growing on the other side, of anticipating the Government answer and then knocking down the answer which the Government has not given in order to prove that they, themselves, have got the correct reply. But it is obvious, Sir, that the Government cannot anticipate the findings of the Rural Wages Committee and that neither my hon. friend, the Minister for Labour, or any Minister could, in fact, express an opinion at this stage as to what will come out of the Rural Wages Committee and the attitude which Government will take to its findings.

My hon. friend also asked about the effect, financially, of the withdrawal of the three battalions and of the Royal Air Force and the cost of the Emergency. The effect of the withdrawal of those three battalions during the present period of United Kingdom financial assistance will be practically nil. We shall have to meet the cost of trooping the battalions back to the United Kingdom. They are unlikely to leave us long before the end of the period of financial assistance and, therefore, it is likely to provide us with no financial relief at all during the present period. What it will do, of course, will mean that in the next financial period we shall have to ask for a little less assistance, I trust, from Her Majesty's Government. That will really be the effect thereof.

I am afraid that I cannot give him the exact running cost of the Emergency, but I can say that it is showing very little, if any, reduction. With the growth of rehabilitation measures and, by rehabilitation measures, let me say that I do not mean what I would call the fancy type of scheme, I mean the real solid works of stuff which has got to be carried out. The growth of those measures, already being put on to the ground of works camps and being worked out in such things as forest schemes, is growing. We have, also, of course, the fact that the Police and the Administration are being kept at a very

high level, and that where, for instance, the Administration or the Police have been increased through the permanent establishment; there is the natural increment factor coming into effect. I will say, therefore, Sir, that it is unlikely that the Emergency cost is dropping below the original figure.

Now, Sir, I would like to turn to the main points—economic points—with which I have to deal, which have been raised during the present debate.

First of all, Sir, I would like to deal with the compensation points which were raised by my hon. friend, the Member for Mount Kenya, and the hon. Member for Aberdare, which were dealt with to some extent, in the first place by my hon. friend, the Secretary to the Treasury, whose remarks apparently seemed to have been misunderstood. First of all, for the purposes of the record, Sir, the compensation figures which my hon. friend, the Secretary to the Treasury, quoted, were, of course, compensation figures for the whole of the country. I say that because apparently some people seemed to have thought that my hon. friend was referring to one particular area, but he was not; they covered the whole of the country and were the totals for all ordinary compensation to Europeans and Asians and were not, therefore, purely restricted to compensation to farmers. The fact is, however, that something like 95 per cent of this compensation is in respect of cattle and farming losses and, therefore, the figure must clearly reflect the rate of such losses.

Now, Sir, let me turn to the general points of compensation. What is the Treasury attitude? The Treasury attitude is obviously, Sir, that you cannot accept any general principle that compensation is and must be paid, because hardship, or shall I say interference with normal business, has taken place as a result of Emergency conditions. To accept a principle of that kind would land this country in an extremely heavy financial commitment which it could not bear. But I have, I think, said this in this Council before. Sir, we do not intend to see the agricultural part of our community, which is under heavy pressure, put out of business. We do intend, therefore, to do what we can to assist them

[The Minister for Finance and Development]

on the grounds of financial hardship without sacrificing the principle to which I have referred. The Treasury attitude has been, with dealing with financial hardship, not to wait until the farmer has to come to it with a plea of poverty. The Treasury is in close contact with the Chairmen of the Agricultural Production Committees, the Provincial and District Commissioners and the Provincial Emergency Committees, all of whom have been asked to advise the Treasury immediately they discover a case where they suspect that a farmer may be in financial difficulties. Each case is then investigated by the Hardship Committee who provide financial assistance where appropriate. There are, of course, many hundreds of farmers in the affected areas and it would be physically impossible for the, shall I say, Hardship Committee to attempt to visit every farmer on the off-chance that he might be in need of financial assistance, but we do believe that the Chairmen of the Production Committees have a fairly detailed knowledge of the farmers in their areas and, as they report every case where they suspect that a farmer may be in financial difficulties, it is considered that the present approach to this problem should ensure that every farmer who is suffering severe financial hardship will be assisted when circumstances warrant such a course. A Treasury official does visit the affected areas very frequently and has always made it clear to everyone concerned that it will be more than willing to discuss with any farmer his financial difficulties with a view to providing assistance in deserving cases.

Now, Sir, to date, the maximum payment which has been made in any one case is £500, but I trust that my hon. friend, the Member for Aberdare, will understand that that is not a limit; it is merely that in the cases which have been considered the maximum payment in any one case so far has been £500. If the circumstances warrant a greater payment, there is no limit to the amount that can be paid. I trust that that meets with his point.

The Chairmen of the Production Committees have been asked to keep a careful check on most farmers to whom financial assistance has been provided so

as to ensure, should their circumstance warrant it, further assistance can be made available. In addition to that, Sir, we have informed the Agricultural Land Bank that, where farmers are unable to meet their interest payments, because of Emergency circumstances and financial difficulties arising therefrom, they should inform the Treasury and the Treasury will immediately investigate the case and meet those interest payments until such time as the situation clears away. At the same time, I speak here in the capacity as Chairman of the Land Bank, we have in cases where it has appeared desirable to us declared a moratorium on the capital repayment. Only last week, Sir, as a result of conversations, I was able to refer to the Treasury officer concerned two cases for investigation where I suspected that men were trying to borrow money from the Land Bank because they did not want to come forward for financial assistance. So, therefore, I hope my hon. friend, the Member for Aberdare, and my hon. friend, the Member for Mount Kenya, who I see is not present to-day, will understand that we are doing everything we can in this respect, without yielding a principle which could cost the country an enormous amount of money.

Now, Sir, my next point is, the hon. and gracious lady, the Member for Nyanza, like other Members, the hon. and gracious lady talked about omissions in the speech from the Chair. Now, I am prepared to admit, Sir, that there are omissions. What I found rather remarkable in listening to this debate, Sir, in the speeches from the other side was, one rather sensational omission: The omission in as far as I know in any speech of reference to paragraph 25, the date of the General Election, but, perhaps, Sir, although it was not mentioned—in actual fact I heard its rumble in some speeches and I sat there thinking, "Oh, the brave music of a still-yet-distant drum."

My hon. friend, the gracious lady for Nyanza, also said that there was no mention of roads. Well, Sir, the Development Paper No. 97 is already on the Table and down for debate.

The hon. and gracious lady also said there was no mention of economy or the need for economy. Well, I would like to

[The Minister for Finance and Development]
turn to paragraph 14, Sir. "The Colony has continued to enjoy generous financial assistance from the United Kingdom. Without this it would be impossible to maintain our existing basic services. In order to present the clearest possible picture of our continuing commitments, items of Emergency expenditure likely to be with us for some time will, where possible, be transferred to the Colony's ordinary votes in the coming estimates. It will be necessary to keep new services to a minimum and to avoid expenditure which, however desirable, is not absolutely essential."

Well, Sir, I should have said that that was a call for economy, because, to me, and I hope to hon. Members opposite, it says, "Please do not ask for services and for expenditure on your own particular pet scheme, unless it is absolutely essential to the economic life of the country". I should have thought, Sir, that that was what it said.

Now, Sir, again the hon. and gracious lady said there was no mention of the Organization and Methods Team. Well, Sir, the main body of the Organization and Methods Team arrived in the Colony on 30th August, 1955, and they began work at the beginning of September. They are dealing with the following major assignments. (1) Establishment Organization. (2) Relationships between Ministers and permanent Secretaries and Heads of Departments. (3) the organization of certain Ministries and their Subordinate Departments, the adequacy of existing forms used for accounting purposes, financial and other relationships between districts and provincial officers in the headquarters of their Ministries and Departments.

Now, Sir, the reports of that team will be submitted to the Government in due course, but I must make it perfectly clear that, of course, they are departmental reports and will not be published or presented to the Council, since the whole object of organization and methods is to improve Government's procedure and efficiency from within by co-operation and not by the methods of outside control. I must say, Sir, that I am a little surprised that the hon. and gracious lady expects a report from a team of this kind

to be mentioned in the Speech from the Chair within some six weeks, seven weeks, of their arrival and I am, Sir, rather reminded of the story of the businessman who used to carry over his desk a little placard, "The impossible we achieve in 24 hours, miracles take a little longer".

The hon. and gracious lady also referred to cutting our coat according to our cloth. Well, from what I have heard in this Council, from time to time, there has not been, perhaps a thorough understanding of what the hon. and gracious lady means by cutting our coat according to our cloth. It does mean cutting our roads, our water supplies and all our services according to the money available and I hope, and I am sure, that hon. Members opposite will have listened as I did with impulsion to the appeal of the hon. and gracious lady who will no doubt convey that sentiment to her own constituents in due course.

Then she went on to talk about shareholders and a right to protest against "a policy of spending which may enable us to join the company of welfare states at a cost of possibly bringing the Colony within the reach or rather on the verge of bankruptcy".

Now, Sir, where is this welfare state in this country? We have no old-age pensions; we have no unemployment pay; we have no national health scheme; we charge fees for education. Where is this welfare state to which the hon. and gracious lady referred in such scathing terms? Why, only shortly afterwards my hon. friend, the Member for Aberdare, said himself there was no welfare state here when he made his plea for the aged and chronically sick to have some additional care, a problem with which we all must have very great sympathy.

Sir, I think the hon. lady's concluding paragraph was a little bit of exaggeration in a country whose main task is to lay the foundation of services for the care of its people in time of trouble and hardship, which has hardly begun to travel on that road at the present.

My hon. friend, the Member for Aberdare, referred to me as a fairy dustman. I was sitting rather low down in the scale at that particular moment and I thought at first he said fairy dustbin. Well, of course, that is, if I may say so, a state

[The Minister for Finance and Development]
to which I am getting very used. He did say, Sir, however, that I was not going to send him to sleep—I hope I am not sending the hon. Member to sleep now—by throwing dust in their eyes. I assure the hon. gentleman the last thing I want to do is to throw dust in anybody's eye. Where the hon. gentleman and I differ is that I believe that it is the duty of this Government to see that all the facts and all the economics of the situation are before the Government and the people before the decision is taken. That is a duty which I feel must be carried out. I would say this, Sir, as someone who was a European Elected Member, that I consider that it is essential and vital that the European community should know the economic burden with which it may be faced under these circumstances, because, unless the European community has a secure economic basis, you can have all the other things you like, all the sentiments and all the principles, but, unless it has a secure economic basis, it will not exist and survive and the country will be the loser if it disappears.

THE SPEAKER: It is a convenient time for Council to adjourn for fifteen minutes.

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

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, when the Council adjourned, I was dealing with the points raised by my hon. friend, the Member for Aberdare, and the need for a secure economic basis for the European community, which was vital for this country. I do feel sometimes, Sir, that my hon. friend comes down from the Aberdare to tilt at windmills. I would hate to assign to my hon. friend, the Member for Mount Kenya, the traditional role in this respect. He did indulge again in this habit of anticipating Government's answers to his own questions.

Now, Sir, economics blow cold winds, and they may sweep the fairy dreams of the hon. gentleman away. Perhaps I would rather stick to my sand metaphor and say if, indeed, this step is embarked upon without full realization of the economic implications, then the community may go into a sandstorm. It is

my duty to point out the dangers and the difficulties of the route they propose to take. If they take it in view of the facts—or if the facts point that way—then, of course, it is for them to choose.

My hon. friend, the Member for Aberdare, also, Sir, spoke about the need for a healthy financial policy, and said that he had not been listened to on development. Well, Sir, I must ask the hon. Member to go back again to the debate on the Development Plan. The Government there defended its position. Certain differences arose as, for instance, my hon. friend did not seem to think that money spent by local government authorities was productive development, whereas I argued that money spent on drains and sewers and housing, by local government authorities, was development, and must be so included in the productive side of any calculation.

There is on the Table the Development Plan—Paper No. 97 of 1955—and I will make no very detailed reference to this, of course, except to point out that, again, it reiterates the priorities which the Government has borne in mind during the whole of this Development Plan, priorities with which, I imagine, no hon. Member opposite would quarrel. The first priority is security buildings; the second priority is short-term economic projects, which will bring the shortest possible return and lift the standard of living of our people at the earliest possible moment; the third priority is the long-term economic project which will develop the future of the country; and the fourth priority is the social services project. I really cannot understand why the hon. Member for Aberdare quarrels with those priorities—why he says he has not been listened to—and, if the hon. Member for the Coast starts talking about "application", then, Sir, I would turn his attention to the table in the Development Plan, which dealt with these priorities, and the applications of money, and, again, to the priorities and allocations set down in the new paper; and I believe that that paper, and the priorities that Government have adopted, constitute a sound policy for the proper development of this country within the limits of the money that is available to us.

I have now, Sir, reiterated the policy upon which the Government Development Plan is based. My hon. friend, the

[The Minister for Finance and Development]
Member for Aberdare—like a lot of other hon. Members—started talking about reasonable taxation. Now, Sir, let us agree straight away that a reduction in taxation would be nice, a reduction in taxation would be healthy and a reduction in taxation would give an impetus to go forward to the country. There is no difference between hon. Members on this side of Council and hon. Members on the other side of Council on that at all, but what is the interpretation of "reasonable" taxation? What is a reasonable taxation level when the country is dependent upon outside assistance for one-third of its expenditure, and what would be the level of taxation if that assistance were not forthcoming? What would be the position if, when the Minister for Finance went to England in January or February of next year to discuss the level of financial assistance from the United Kingdom for 1956-57, that assistance was not forthcoming? What would be the level of taxation then? Hon. Members must keep their feet on the ground in these matters, and not use phrases like "reasonable taxation" without understanding what is the interpretation of "reasonable taxation". I have fought on behalf of this Government and on behalf of this country a battle in which I have put forward all the points that my hon. friend, the Member for Nairobi South, put forward this morning—that, for the taxation we are paying, we have not got a high level of services—that we have not got old-age security and our people have to save from their private income for that security—that we have not got hidden social services—and that, therefore, our taxation is a heavy burden.

All these arguments have been put forward, and I still adhere to them. Gentlemen, do let us have regard to reality. I do not want to keep on repeating this in this Council—the Council must get weary of it, as I do—but as long as hon. Members opposite do not face the reality of our financial situation, it has got to be repeated.

(Request to give way by the hon. Member for Mau.)

I am sorry, I will deal with the hon. gentleman a little later on, and will give way to him then with pleasure.

My hon. friend, the Member for Nairobi North questioned, I think, a point made by my hon. friend, the Secretary to the Treasury, on the United Kingdom financial assistance. My hon. friend, the Secretary to the Treasury, said that we had still got £9,000,000 to draw, and that he hoped that we should not have to use all of the £4,000,000 loan. My hon. friend, the Secretary to the Treasury, was, of course, referring to the United Kingdom financial period, and not to ours. He was referring to the period ending March the 31st, and if we are able to avoid drawing on all the assistance in that period, it will mean that our loan commitment will be reduced, because we start negotiations to deal with the next period of financial assistance—the United Kingdom period—April to March, 1956-1957—on a new basis. Thus, in the last financial year we were able to avoid drawing on all the interest-free loans, but that did not prevent us from starting on April the 1st with the free grant, but it did mean that we had avoided pledging the future of the country to the extent of about £1,000,000. That is really the interpretation of my hon. friend, the Secretary to the Treasury's point.

And my hon. friend, the Member for Nairobi North again referred to reduced taxation. Again, Sir, the answer must be that there will be little hope—and it would be foolish to say otherwise—there will be little hope of reduced taxation till we are financially independent again, or until the level of assistance we have to seek from the United Kingdom is considerably lower than that which appears at present to be necessary.

My hon. friend, the Member for Nairobi North has—and, I think, my hon. friend, the Member for Nairobi South—spoken about the graduated poll tax. I think the words my hon. friend, the Member for Nairobi North, used, were that something had just "given him an idea". It is an idea we have had on this side of the Council—and on that side—for many, many years, and I did say in the last Budget Speech, Sir, that the Government had agreed that we should implement as soon as possible the African graduated poll tax, but that it was the strain on the Administration during the period of the Emergency that had prevented us going further along this

[The Minister for Finance and Development]
My hon. friend, the Minister for African Affairs, and myself have had discussions about this only within the last few days again, and my hon. friend is again reviewing the situation to see whether he can call upon his very hard-worked and over-burdened Administration to take the first steps in what I believe is a very necessary economic development in the furtherance of this country's revenue.

Now, Sir, my hon. friend, the Member for Mombasa referred to assistance to the East African Tourist Travel Association, and he did quote some figures from South Africa, which made it appear as if we were lagging in financial assistance in that sphere. The figures that I have obtained, Sir, show that the South African Government's contribution to the South African Tourist Corporation in 1954-1955 was £55,000 out of a budgeted expenditure of £226,693,400, or a proportion of 0.024 per cent. The Kenya Government's contribution to the East African Tourist Travel Association in 1955-1956 is £8,000, out of a budgeted expenditure of £38,726,000, or a proportion of 0.021 per cent—so there is indeed a difference between us in percentage of contribution of 0.003 per cent—(Laughter)—and of course my hon. friend, the Member for Mombasa will readily understand that, the greater the budget sum, the greater the national revenue, and the greater the flexibility which can take place inside the expenditure. But I would not like my hon. friend to think that we are not conscious of and willing to consider assistance to the Tourist Travel Association. I would like to point out to him that, in 1952, the Government's subscriptions to the East African Tourist Travel Association were: Kenya, £4,400; Uganda, £1,200; Tanganyika, £1,000. In the middle of an Emergency, with financial calls heavy upon us, we increased that by £3,600 to £8,000. That almost doubled our contribution despite our heavy financial pressure. Uganda increased theirs by £800 to £2,000 and Tanganyika £1,500 to £2,500 and I believe that those figures—

MR. COOKE: What is the last figure?

THE MINISTER FOR FINANCE AND DEVELOPMENT: £2,500. They originally

had £1,000, they increased it by £1,500 to £2,500. I think, Sir, those figures show that even in the middle of a difficult financial position we were not unresponsive to the request and, indeed, the item was altered back at my own specific suggestion because I suggested that they should have not the £7,000 which had originally been planned but £1,000 extra on condition that they spent that on publicly. I have a distinct feeling that they have not spent all that estimate, but it may be that that position has righted itself by now.

I am very conscious of the value of this, economically, and all I can say to the hon. Member is that we did increase our assistance during the difficult times, but, if they can put a case through the hon. Minister for Commerce and Industry which will justify a proportion of the increase, because other Governments have responsibilities, we will again do our best to reconsider the matter. I am sure the hon. Member for Mombasa, as shown by his speeches in this Council, is one of the most conscientious men in so far as the expenditure of public funds is concerned. It is his backing of this particular concern that therefore lends weight to his consideration.

Now, Sir, he did ask me a question about the proportions of the loan which has just been concluded. I am afraid, Sir, that it would be out of practice to give the exact figures. What I can tell him, and the Council, is that quite a large proportion of this loan was overseas money which was placed through local application and that it was most encouraging, because, although we had placed certain Government funds ready for investment in this project, such as pensions fund, we did not have to call upon them all and, indeed, I had to say to certain bodies who had almost placed their money, you must go into the pool and take a proportionate cut and that had to apply to all Government investments, although the funds themselves could well have done with an investment of that kind.

On the question of savings certificates, the report has been received. It was, of course, done on an East Africa basis and has been sent round all the Governments. I can say no more than to say that I myself am disappointed with the conclusion that the lady in question

[The Minister for Finance and Development]

reached, although her facts, I think, are incontrovertible and one must accept, therefore, the conclusion. That is that for the time being savings certificates in this country would not be likely to be a sufficient success to justify the use of manpower and the expenditure per certificate which would be incurred. In due course I will hope to place the report for any hon. Member of the Council who is interested in it.

I think the only other point that I have to refer to with my hon. friend, the Member for Mombasa, was the proportion of civil servants in the European community which he said was serious enough and then, Sir, he was going to suggest some remedies, Sir, but I personally am a little surprised that the proportion is not greater in view of the great intake in the police and in the Administration of Europeans during recent years. I used, indeed, when I was on the other side of the Council, to say that one of the best recruiting agencies for European settlement in this country was, indeed, the Civil Service and when I look at some of the ranks, both in front of me and behind me, I believe that that argument is well proved.

MR. COOK: You make me blush!

THE MINISTER FOR FINANCE AND DEVELOPMENT: Now, Sir, I must turn to my hon. friend, the Member for Mau. I think that my hon. friend seemed to me to have forgotten the financial position of the country and the fact that it would need a period of years to recover. The hon. gentleman went on to say that it would, of course, be immoral to ask for a reduction of taxation now, and then, if I understood him aright, he went on to a perfect spree of immorality. He said that the taxation structure was a patchwork quilt. Maybe it is, Sir; I do not altogether share his opinion on that, but I would like to say that it is probably necessary to have a "patchwork quilt" of taxation when you have to raise money from people of so many colours and so many different levels and habits of custom and economic development.

The hon. gentleman said that he thought that it was time for a fiscal review. Well, Sir, the Government is continually reviewing, year by year, its fiscal

policy and the situation which is coming forward. That is the job of the Treasury in the first place, the Minister for Finance in the second place and the Council of Ministers and the Government finally, and that review is going on. May I be permitted to say that in our present financial position a fiscal review would be a great deal of a waste of time. The situation is far too difficult and unsettled in certain respects and far too settled, unfortunately, in other respects. But, however, Sir, he said he wanted a statement on fiscal policy. Sir, I feel now constrained to read from a speech which I made at Nakuru on the 15th July, which, I believe, was published in the local Press: "It is just over three years since I accepted the portfolio of Finance and Development. The country was then in a healthy financial position, able to make contributions towards development from its recurrent revenue and, as my first Budget emphasized, I had decided on a policy"—and I hope the hon. Member will listen to this—"I had decided on a policy of easing the burden of taxation, to allow more money to become available for private enterprise and the individual to use for development, and for Government development to be carried through to a much larger extent on loan finance, for I was sure that that was the policy best designed to increase our wealth and enable us to pay for the services the people were demanding. By September, 1952, however, the Emergency was upon us and since that time the shadow of Emergency expenditure has fallen darkly across our financial position and fiscal policy." I then quoted, Sir, some statements made by the Secretary of State in the House of Commons on several occasions when referring to the question of financial assistance. The same sentence appears in both 1954 and 1955: "They will be expected to take all practicable steps to increase their own revenue in order to meet their continuing commitments". I said that our own revenue means the general revenue of the Colony in its taxation levels. Now, Sir, I continue to quote: "Those statements underline two important points. One, that it is against the background of the need to convince Her Majesty's Government that we are indeed bearing our fair share of the burden, that our fiscal policy must operate during the present period and, two, that without the

[The Minister for Finance and Development]

high level of financial assistance provided by Her Majesty's Government, taxation in Kenya would have had to be raised to a level which would cripple enterprise and development for many years to come.

What additional taxation was imposed during that period to 30th June this year? In the 1954/55 Budget the total increases imposed were estimated to bring in a revenue of about £1,850,000. I went on to outline the measures: "That was the total additional burden which the country had to face during the period I have been reviewing. These measures, together with the increased return from previous taxes, enabled us to contribute during the year some £3,500,000 towards Emergency expenditure. We are still left, however, with a deficit on this period of about £4,000,000, which can be reckoned to be covered to a large extent by that portion of the new grant and loan from Her Majesty's Government which could be taken into account for the three months' gap between the financial years to which I have already referred."

My hon. friend, however, although saying it was immoral to reduce taxation, then proceeded to plead, I think, for a large number of concessions and quoted the report by Mr. Troup on the question of allowances. Sir, I agree one should quote, of course, probably paragraph 194, Capital by Saving Income Tax. I think, Sir, one should also quote paragraph 200, in which having recognized that concessions might be made. Mr. Troup said, "Further to the recommendations concerning income tax" in paragraph 194 I should like to make the following additional recommendations:—

(1) That a property tax on a similar basis to that of Schedule "A" in the United Kingdom should be instituted; based on the estimated net value of the property. A basis of assessment might be five per cent of the capital value less statutory charges, maintenance and approved development proposed in paragraph 194."

He then goes on (2), (3), (4). Well, Sir, I think that that recommendation needs a very great deal of thought, but, as I understood Mr. Troup's report and the proposals he outlined, the concessions

on the one hand were conditional upon the acceptance of Schedule "A" on the other. My advice to the agricultural community would be to take very serious thought about that particular matter.

MR. CROSSKILL: Mr. Speaker, I feel the hon. Minister is adopting the tactics he deplored so much on this side of the Council, by putting up our own policy, slightly off-centre, and then knocking it down.

THE SPEAKER: Under Standing Order 66, a Member who wishes to interrupt the Member who is in possession of the House can only do so in order to explain what he has already said—not to inject new arguments in any shape or form either by question or by making a speech.

MR. CROSSKILL: Mr. Speaker, on a point of explanation, Sir, I think the Minister will agree that no one in this Council suggested that we should have an immediate reduction in taxation. This is being insinuated or inferred by the Minister now, but we wish a declaration of Government's policy which holds out some hope for the future to encourage immigration and investment.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, I regret, Sir, that having read, I admit very late last night or early this morning, the speech of the hon. Member, I could not agree with his interpretation. As I said at one point, I agree that he said it would be immoral to make a reduction in taxation; then, of course, he went on a perfect spree by suggesting what should happen. And the hon. Member then started to outline the principles of taxation. Now I listened to those, Sir, with very great care and attention and I will take the first one.

The first principle laid down by the hon. Member for taxation was, "(1) Taxation must raise enough money to run the country", but heaven help this country at the present moment if we have to put that principle into application. We do not, and if we tried to—well, Sir, I will say no more. "(2) Taxation should encourage development." Sir, as far as I can see, difficult though our present position is even in the present position of not fulfilling number (1), we do not seem to have stopped development. I hear on all sides about inflation,

[The Minister for Finance and Development]

about too much money being in circulation, yet we do not seem to be stopping development, Sir, and I do not believe that the known taxation policy of this Government—and it is known, because, despite what hon. Members opposite say, the financial and business world in general is aware of the policy of this Government in this respect, and knows that any deviation from it is only temporary under the pressure of the Emergency—I do not believe that it is stopping development because they are sure of the Government's intention to assist and encourage to the limit of its ability. Now in (3), the hon. gentleman said that taxation must be equitable. Now, what exactly is meant by equitable taxation? There is one definition of it which perhaps the hon. gentleman would not like which, of course, is a well-known definition, justly, "From each according to his means, to each according to his needs". Is that what the hon. gentleman means by "equitable taxation"? But, Sir, I will go no further.

Now, Sir, the hon. Member started to quote at me, as did the hon. Member for Nairobi South, the Central Africa tax position. Well let us first of all, Sir, take the situation that is existing. Let us say there is no Emergency, let us say there is no financial assistance where needed and, therefore, they are able to pay their own way. He quoted the rates of personal tax in Northern Rhodesia and I asked him at the time, Sir, what was the rate of company tax. I did not ask that to score a debating point, I asked that to try and stop the hon. Member from developing an argument which was terribly weak. The figures show that between 1944 and 1953 £61,000,000, or 64 per cent of the public tax in Northern Rhodesia, came from the taxation of the profits of the copper mining industry. Now, Sir, I could not accept the position where company tax in this country could raise anything like that proportion, because it would defeat the very object which the hon. gentleman wants to develop. But it would be a remarkably easy thing for me, Sir, to have a lower rate of personal and individual tax if I could be assured that 64 per cent of my revenue could come from one solid source like that. This country has not

got that type of source with which to replace the burden unless development is to stop and it must fall upon the individual.

MR. CROSSKILL: Southern Rhodesia?

THE MINISTER FOR FINANCE AND DEVELOPMENT: And let me take Southern Rhodesia, Sir, since the hon. gentleman has mentioned it. Of course, Southern Rhodesia benefits from the Central African Federation which gets a large proportion of this company tax; the Federation indeed gets 6s. 3d. in the £. The Southern Rhodesia and Nyasaland Governments—and I quote from a very fine book called *Opportunity in Rhodesia and Nyasaland* circulated by the Central African Federation Commissioner—"Territorial Surcharges—each of the territories constituting the Federation is entitled to levy a surcharge on individuals resident in the territory, and upon the taxable income derived by companies from such territories. The following surcharges have been imposed in respect of the assessment year to 31st March, 1954. Northern Rhodesia—companies 20 per cent of the rate of basic tax levied on each £ of taxable income derived from the territory—individuals nil. Southern Rhodesia—companies 1s. 3d. in the £, which is the same, for each pound of taxable income derived from the territory—individual's surcharge 20 per cent of the amount payable as basic tax, income tax and super tax". And the same thing applies in Nyasaland. So that the figures which here refer to Colonial territories are not applicable in the other territories of the Central African Federation, and the hon. gentleman must have due regard to what is carried by the Central African Federal Government and what is carried by the Territorial Government. He must certainly have due regard to the fact that the Finance Minister in Kenya has not this one slice of mineral wealth which makes the production of 64 per cent of his revenue a comparatively simple matter as long as copper remains at its present price.

MR. CROSSKILL: Cattle?

THE MINISTER FOR FINANCE AND DEVELOPMENT: If he is going to refer to cattle, Sir, then of course I can go into the whole detail—

MR. COOKE: Spare us!

THE MINISTER FOR FINANCE AND DEVELOPMENT: Now, Sir, the hon. gentleman also spoke about direct to indirect tax, and, if I understood him aright, he said three to two was the desirable proportion. Well, Sir, as I understand the figures that I gave in the Budget Speech in April, the revised Estimates for 1954/55, counting export taxes as indirect taxes as we always have done, direct; 45.5; indirect, 54.5. In the real outcome, the proportion has been, direct, 44 per cent; indirect, 56 per cent; and, if that is not as near to six to four or three to two as makes no matter, I do not know what is. And if the hon. gentleman will look at the Budget Speech that I made, he will see that the estimated out-turn for 1955/56 on the same basis, is 42.6 direct, and 57.4 indirect, so that the margin has been made even greater in the favour of direct taxation.

AN HON. MEMBER: A mistake!

THE MINISTER FOR FINANCE AND DEVELOPMENT: There is no question of mistake, Sir, the hon. gentleman just needs to read my Budget Speech and he will see that over the last three years I have stated that this is a policy of Government.

Then, Sir, the hon. gentleman goes on and asks for bigger grants to county councils. Well, I think my hon. friend, the Minister for Health and Local Government, has dealt with that, but I would say we cannot have all we want; even all we need, and I would repeat to the hon. gentleman the paragraph which says, "new services to a minimum and avoid expenditure not absolutely essential".

Now, Sir, the hon. gentleman raised one more point with which I must deal and that is the question of income tax relief for people over 65. I am sure he must be aware, Sir, that at the present moment there is an income tax relief for people over 65. A married man gets an allowance of £175, less half the excess of his total income over £350. The allowance is therefore reduced to nothing if he has an income of £700. A single man gets an allowance of £100 less half the excess of his total income over £200—this allowance therefore tapers out if his income is £400 or over. An allowance on a slightly lower scale is given to the

over 60's. But, Sir, as the hon. Member for Nairobi South said, what I hoped to hear in this particular debate, were suggestions which would give the Treasury and the Government some idea of the feeling of hon. Members opposite in regard to the shaping of expenditure on services; etc. I can assure the hon. Member that I will pay due attention to this point when, and if, tax concessions become a possibility.

The hon. Nominated Member, Mr. Riddoch, Sir, raised the question of forests. Well, the only comment I would make, Sir, is the paragraph in the speech from the Chair which says: "The scheme as a whole"—that is the forest scheme for resettlement—"has attracted the sympathetic interest of the United Kingdom Government and, subject to scrutiny by an independent expert on forestry matters outside the Colony, I hope it will become an accepted part of Kenya's Forest Development programme". Now, what does that mean, Sir? It means, in fact, that in the recent negotiations that I had in England, the United Kingdom Government has accepted those forest schemes as expenditure arising out of the Emergency. That means that they will qualify for consideration for financial assistance during the period that financial assistance is available and is given. Let us be quite blunt, Sir, without that point having been accepted, we should not have had the finance ourselves to carry out this programme of forest development.

Now, Sir, I turn—near the end—to my hon. friend, the Member for the Coast.

MR. COOKE: Gosh!

THE MINISTER FOR FINANCE AND DEVELOPMENT: Now, my hon. friend, the Member for the Coast, Sir, said about the Lidbury Report, putting a lot of money into the hands of people: "I was surprised at the time that my hon. friend—may have done so, but I did not see any circular sent out to those recipients of the greater activity, and so on, as to how they should possibly use that money, but I have seen his number 1, 2, 3 or 4—Mr. Butler—in an article to the *Economic Journal*, he rather hinted that Government made a mistake in not having frozen that money to a certain extent by means of some kinds of 'savings certificates' or otherwise."

[The Minister for Finance and Development]

Well, I am sure that my hon. friend, the Member for the Coast, must, in some way or other, have misread the paragraph, but I would just like to read the relevant sentence so that the really accurate record could be established. Sir, Mr. Butler said, on page 31 of the *East African Economics Review* of July, 1955, dealing with Colonial financial policy: "Among the factors which discourage capital formation and capital investment in countries such as Kenya are, 1, 2, 3. The awareness of the gaps in the living standards between advanced and under-developed countries, discourages saving in under-developed countries. For example, an African farmer with a little money saved, is tempted to spend it on beer or a bicycle rather than on improving his land, and the civil servant with an unexpected reward from the Salaries Commission is tempted to order a new car rather than invest the money saved in a local match factory." Well, Sir, I feel I will say no more about that particular point, because I hope that that, as a true and accurate record of what Mr. Butler said, will go out. He did, in fact, finish, and this is a very important point for hon. Members to think about, he said, "this is a very real problem, and undoubtedly one reason for the Iron Curtain is the desire of the Russian Government to keep its people ignorant of the living standards in other countries and therefore more willing to accept five-year plans which are, in fact, plans for capital formation, the capital being found by limiting and keeping down the level of consumption.—The essence of capital formation is foregoing an immediate rise in the level of living in favour of a greater permanent increase in the future."

Now, Sir, the hon. Member also spoke about the inflation—

Mr. COOKE: Would the hon. Member give way for a moment? It is very important. Did not Mr. Butler say something about savings certificates? I was under the impression that he did.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Well, Sir, I have been through the article in the *East African Economics Review*, and so have the people in my office, and we can see no

relation in any point between the Lidbury Report and savings certificates. As I have said, the relation rather seemed to be between a new car and a local match factory investment, but I must say in present circumstances the new car might have been a wiser step.

Now, Sir, the hon. Member spoke about the inflation in the cost of living. Now this point, Sir, is continually under review by the Government. Of course it is. The Government does not wait for White Papers; nor reports—even of cost of living committees—it is continually reviewing the position, that is its main function, and I would like, Sir, to quote: the average retail prices of certain goods which are based on the results of surveys by the Statistical Department in order to get away from this idea that the basic foodstuffs of this country are continually rising in price. I really do not know where the hon. Member gets the idea from. Let me quote foodstuffs in this country the basic foodstuffs. August 1954; August 1955: *posho*—30 cents, 30 cents; bread (white)—60 cents, 65 cents; butter (one pound)—3/85; 3/85; coffee (one pound)—6/50, 6/93; tea (Brook Bond, one pound)—4/94, 6/1; sugar—58, 61; milk (one pint)—55, 55; beef (standard)—2/25, 2/25; mutton—2/30, 2/30; potatoes (one pound)—24, 24; cabbages—25, 28; eggs (one dozen)—4/34, 4/95. These figures, Sir, do not support the statement that the agricultural industry is lifting its prices continually. If there is any criticism, it might be that where there has been a fall in price, it has not been immediately reflected. Then, of course, we must remember that our industry is based also on a year to year basis.

Mr. COOKE: What argument are you replying to?

THE MINISTER FOR FINANCE AND DEVELOPMENT: I am replying to the hon. gentleman's argument about inflation, about my doing nothing about inflation, and about the continual rises in the cost of living and his warning to the agricultural community about their inflationary prices and the way that it would react to policy.

Mr. COOKE: That is very important. I never said any such thing. I warned the agricultural community against the rise of prices of imported stuff which

[Mr. Cooke] . . . would put their costs of production up, and they would have to charge more for the sale of their goods in a highly competitive market. That was my whole argument.

THE MINISTER FOR FINANCE AND DEVELOPMENT: I am sorry, Sir, but the notes that I have are somewhat different to the hon. gentleman's interpretation of inflationary costs.

Mr. COOKE: Look in HANSARD.

THE MINISTER FOR FINANCE AND DEVELOPMENT: But, I would suggest to the hon. gentleman, that when he is attacking people he does not like them to come back at him and I do suggest that he should wait, at any rate, until I give way before he starts to speak, Sir.

Mr. COOKE: Will you accept the challenge of HANSARD?

THE MINISTER FOR FINANCE AND DEVELOPMENT: Certainly I will, Sir.

Now, Sir, the hon. gentleman said that I did not seem to be worried about the cost of living, not as did Mr. Butler in the United Kingdom. Well now, Sir, with all due respect, Mr. Butler is not worried about the cost of living. Mr. Butler is worried, according to his speech, about Britain's spending less and earning more. He is worried about the effect of prosperity and the boom and, indeed, his measures have been designed if anything to increase the cost of living.

Mr. COOKE: Inflation.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Well I mean the hon. Member says that Mr. Butler is worried about the cost of living, and I suggest, Sir, that if the hon. gentleman will read Mr. Butler's speech that he will see that the problem in the United Kingdom and the problem in this country are two completely different problems. After all, what did Mr. Butler say—let us quote his very words. One of his troubles was a thriving industry and big pay packets. Those were his very words. That is not a worry about the cost of living, it is a completely different thing. The hon. Member for the Coast said that he despaired of giving me understanding in addition to reason. He will forgive me if I despair sometimes with him on both counts.

Mr. COOKE: On a point of order, is he correct in quoting from a speech—

THE SPEAKER: The hon. Member has not given way.

Mr. COOKE: But it is on a point of order.

THE SPEAKER: The hon. Member has not given way.

Mr. COOKE: Well, Sir, I rose on a point of order—is the hon. gentleman in order in quoting from another speech, made on a separate occasion from this particular occasion on the Governor's address? What he is quoting now is a quotation from the speech I made yesterday on a totally different subject.

THE MINISTER FOR FINANCE AND DEVELOPMENT: The hon. Member, Sir, is quite wrong—with all due respect. I am quoting from a speech he made some considerable time ago and yesterday he repeated the argument.

THE SPEAKER: So far I have heard nothing from the hon. Member who is in possession of the house contrary in any way to normal practice.

THE MINISTER FOR COMMERCE AND INDUSTRY: On a further point of order, Sir, is the hon. gentleman in order in the constant interruptions which destroy the flow and the chain of argument of my hon. friend.

THE SPEAKER: The matter of interruptions must, I think, be left to the discretion and vigilance of the Speaker.

THE MINISTER FOR FINANCE AND DEVELOPMENT: I did notice, Sir, in the speech—I have the little bit of HANSARD here—that he said—no his speech, Sir, in the main debate—where he said that he could see no wrinkles on my aged brow.

Mr. COOKE: "Azure" brow!

THE MINISTER FOR FINANCE AND DEVELOPMENT: Well it has come out in the HANSARD as "aged"! (Prolonged laughter.) I am glad, Sir, to see that I wear so well under the attacks of the hon. Member, but I can assure him that my grey hairs grow one by one and that I gained them in various parts of the coastal arguments. I am sure that sometime, Sir, he will bring my grey hairs in sorrow to the grave. But it may be, Sir,

[The Minister for Finance and Development]

and this is my only hope for the hon. Member, it may be in the words of the ancient proverb, "not all are hunters who blow the horn".

Then, Sir, of course, my hon. friend made the most astounding statement. He said if he were Minister for Finance he would introduce an interim budget like Mr. Butler was doing, on Mr. Butler's lines. Well, Sir, I would like, Sir, to see the faces of the hon. Members opposite if I proposed to increase taxation indirect and company, if I proposed to cut down development spending, even on essential industries, if I proposed to increase such things as postal charges to economic levels, to reduce loans available to local government authorities, to cut down luxury imports, motor-cars, spirils, tobacco or what and, if you do, where do you replace the revenue. Now, Sir, my hon. friend, the Member for the Coast, said also that we ought to have a credit squeeze here. I hope he is not going to say that he did not say that, Sir: I wonder if the hon. gentleman is aware that because of the reflection of our position with sterling there has, indeed, been, unfortunately, a financial squeeze going on? Let me take the position of the bank rate which has been one of the main weapons. The bank rate in London on the 27th January this year was 3½ per cent, and, in Nairobi it was a minimum of 5½ per cent. On the 24th of February, it was raised to 4½ per cent and in Nairobi it was raised to 6 per cent, so that borrowing is being made more difficult. Now I disagree with the hon. gentleman, it is not good because it means that money borrowed for agricultural development, and for all these matters, is costing us more money. The fact is, I think I have said it in public and, indeed, I think in the *East African Standard* in an interview, the fact is, Sir, that the policy of capital contraction, which the Chancellor of the Exchequer is unfortunately compelled to follow in the United Kingdom, is not a policy suitable to a young and developing country like ourselves, but, because we are absolutely dependent upon the soundness of sterling, because, without that great solidity in sterling, our position would become intolerable, we must recognize our need to sacrifice our

immediate interest in order to maintain the soundness of the greater part. But, Sir, in a young and developing country, a credit squeeze is not a good thing and I would like, were there time, and were they allowed in a debate, to hear some expression of opinion of some of the hon. Member of the Coast's colleagues, if one suggested taking the bank rate up to 7 per cent in this country as a means of controlling what the hon. Member for the Coast seems to fear.

Our problem, Sir, is one of needing to expand. We want to attract capital investment and expand it, and not contract it at the present moment. That is important if we are ever going to be financially independent again. Our policy must be directed towards that. But, the problem that we have at the present moment, Sir, is that as a result of the introduction of large sums of money from the United Kingdom into our circulation, and as a result of the sudden increase in purchasing power, the spending power which took place with the arrival of six battalions of British troops, which was an enormous expansion of our European population and its purchasing power, we are now in the middle of a small boom in this respect. In my opinion, the danger is, and I think it was the point that probably one hon. Member was trying to make when he referred to the cost effects of the three battalions, the danger is that a number of businesses will find their rate of expansion upon that increased purchasing power which may only be a temporary portent in our affairs through, of course, this impact of money from the United Kingdom without the need of any exports and labour on our part in return.

Sir, I come to the end of the points I have to make and I would say, Sir, that a year ago it fell to me to have the privilege of winding up for the Government in the debate on the speech from the Chair. I said at that time, Sir, that if as good a record of achievement and programme, and as good a programme could be placed before the country on this occasion, then the present Government would have justified itself. I believe it has done so, and the minor criticisms that have emerged in this debate—and they have really only been minor criticisms on the whole—of the Government's policy underlines that fact.

[The Minister for Finance and Development]

Of course as my hon. friend, the Chief Secretary said, we have got very difficult times ahead, but with United Kingdom help over that difficult period I am sure we can overcome them. We have had now a year, a full session, of a Government which has combined the enthusiasm and the knowledge of local people with the experience and wisdom of the trained administrator, and I believe Government, with those two in combination, and I believe with the majority of the people in the country behind them, will be able to achieve during the next year the same solid progress it has achieved during the past year, and that when, as there will be next time, when a speech of that kind will be made to a new Council, the old Council will have no cause to be ashamed of its record.

THE SPEAKER: Although this is of the nature of a formal Motion, the hon. Member nevertheless has a right to reply.

DR. KARVE: Mr. Speaker, Sir, I do not wish to reply.

The question was put and carried.

MOTION**APPROPRIATION STATEMENT AND RESERVE ACCOUNTS—AFRICAN AFFAIRS**

THE MINISTER FOR AFRICAN AFFAIRS: Mr. Speaker, Sir, I beg to move the following Motion:—

WHEREAS it has not been proved possible within a period of four months after the 30th June, 1955, to prepare and transmit to the Controller and Auditor-General (i) the Appropriation Accounts required by section 23 (1) (b), and (ii) the statement of receipts and disbursements of revenue required by section 23 (1) (c) of the Exchequer and Audit Ordinance, 1955, for which the Secretary for African Affairs is the Accounting Officer and the Receiver of Revenue,

BE IT RESOLVED that this Council appoint a further period of one month for the transmission of the said Accounts and statement to the Controller and Auditor-General in accordance with the general provisions of section 23 (1) of the said Ordinance.

Mr. Speaker, Sir, I regret the necessity of having to move this Resolution but I hope that in the event it will be a mere formality as I understand that, provided a Ministry's accounts can be transmitted to the Auditor-General, on or before the 30th November, they can be published with the rest of the accounts, and there will be therefore no delay in the submission of the Colony's accounts to this Council. If I may slightly fill in the rather technical rigmarole of this Resolution, Sir, under section 23 of the Exchequer and Audit Ordinance, the Ministry is required to prepare and transmit to the Auditor-General the appropriation accounts required under section 23 and the statement of receipts and disbursements of revenue required by section 23 (1) (c) of the Ordinance within a period of four months after 30th June, 1955. This period of four months, Sir, will expire on the 31st October and can only be extended by resolution of this Council, hence the Resolution which I am now putting before the Council.

The Secretary for African Affairs, Mr. Cowley, who is the Accounting Officer in my Ministry, has said to me that it will not be possible to complete these accounts by that date, Sir. The main reason for the delay can be given in detail but they are largely because of shortages of staff and also machines in the accounts section of the Ministry. Not only were the machines for working out the accounts short in numbers, but we also had a good many technical troubles and machines have been out of action.

I am assured, Sir, that every effort was made to overcome these difficulties and even until the last moment, it was hoped that the accounts would be ready in time. As I said earlier, this request for an extension of time will not delay the submission of the Colony's accounts to this Council and in extension of the delay, Sir, I should like to emphasize that my Ministry has, only this year, taken over its own accounting and, until July, the organization and staff was not up to strength, in fact, Sir, we had our teething troubles which I think are now being overcome. Furthermore, Sir, I would emphasize that the Ministry for African Affairs is one in which financial and accounting arrangements have been most severely strained by the Emergency. I beg to move.

THE MINISTER FOR FINANCE AND DEVELOPMENT seconded.

Question proposed.

LT.-COL. GHERSIE: Mr. Speaker, Sir, having regard to what the hon. Member has said, I am sure we all will agree that it is a reasonable request and, in that case, Sir, I would support the Motion. It is hoped, however, Sir, that in accepting this Motion it will not be treated as creating precedent.

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

THE MINISTER FOR AFRICAN AFFAIRS: I would only say, Sir, that I am grateful to the hon. Member for his comments and support and it certainly will not, in my view, be a precedent and having got over our teething troubles in this accounts section that next year we will be ready at the due time.

The question was put and carried.

BILL

SECOND READING

THE TRADE AND SUPPLIES BILL

Debate resumed.

MR. HARRIS: On a point of order, Mr. Speaker, as it is now twenty-four minutes past twelve, I do wonder, as I was speaking last night, and I shall not finish in the time now, and in view of the fact that we have a Sessional Committee as soon as Council rises to-day, Sir, I am wondering whether a Government Member would care to move the adjournment.

THE MINISTER FOR COMMERCE AND INDUSTRY: I agree with my hon. friend, and, with the permission of the Council, I move the adjournment.

MR. COOKE: Mr. Speaker, Sir, would that not be a breach of the rules of the Council to adjourn now without suspending orders?

THE SPEAKER: Would the hon. Minister suspend Standing Orders in order to move the adjournment.

MOTION

SUSPENSION OF STANDING ORDERS

THE MINISTER FOR COMMERCE AND INDUSTRY: Mr. Speaker, Sir, I beg to

move that Standing Rules and Orders be suspended in order that the adjournment can be moved.

THE MINISTER FOR FINANCE AND DEVELOPMENT seconded.

Question proposed.

The question was put and carried.

MOTION

ADJOURNMENT OF COUNCIL

THE MINISTER FOR COMMERCE AND INDUSTRY: Mr. Speaker, I beg to move that this Council do now adjourn.

THE MINISTER FOR FINANCE AND DEVELOPMENT seconded.

Question proposed.

The question was put and carried.

ADJOURNMENT

THE SPEAKER: Council will now stand adjourned until Tuesday next at 2.30 p.m.

Council rose at twenty-seven minutes past Twelve o'clock.

Tuesday, 1st November, 1955

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

[Mr. Speaker in the Chair]

PRAYERS

ADMINISTRATION OF OATH

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

Lt.-Col. Frederick Johnson McCull, C.B.E., M.C., M.R.C.V.S.

PAPERS LAID

The following Papers were laid on the Table:—

The Statement of Account of Emergency Expenditure for the period October, 1952, to June, 1955.

(BY THE MINISTER FOR FINANCE AND DEVELOPMENT)

The Annual Report, 1954, of the Central Rent Control Board and Coast Rent Control Board.

(BY THE MINISTER FOR COMMERCE AND INDUSTRY)

ORAL ANSWER TO QUESTION

QUESTION No. 15

SIR CHARLES MARKHAM asked the Minister for Legal Affairs to state with regard to *Mau Mau* terrorists captured after the withdrawal of the surrender terms on 10th July, 1955—

- the number of prosecutions against such terrorists which have taken place since that date.
- The number of prosecutions against such terrorists still pending since that date.

THE MINISTER FOR LEGAL AFFAIRS: With regard to *Mau Mau* terrorists captured after the withdrawal of the surrender terms on 10th July, 1955—

- there have been 44 prosecutions involving 64 persons since that date; and
- there are 25 prosecutions involving 46 persons still pending.

This is the position as at 17th October, 1955.

SIR CHARLES MARKHAM: Mr. Speaker, Sir, arising out of the reply by the hon. Minister, would he agree that there is considerable disparity in the numbers of terrorists captured and the figures he has just given us?

THE MINISTER FOR LEGAL AFFAIRS: Mr. Speaker, the figures as shown in the daily situation reports during the period in question, show terrorist captures of 252. That leaves—after deducting the figures which I mentioned in my original reply, involving 110 persons prosecuted or awaiting prosecution, that leaves a balance of 142 persons. In regard to that figure, I must make it clear that the situation reports are the first information and several shown as captured on the daily situation reports are in fact found to be on investigation not captures so much as suspects detained. It does not necessarily follow that every capture, as recorded in the daily situation report, is a case for prosecution and, in fact, a number are found not to be open to prosecution.

The balance, this figure of 142, contains a number of people who are put on detention orders, there not being sufficient evidence against them to prosecute, and it contains various other categories including some charged with lesser offences, curfew breaking or pass offences and that sort of thing, one or two captured wounded who have died since and, in these particular figures, at least one incorrectly reported as a capture which was, in fact, a surrender.

The figure does also include a number of captured terrorists who are being used operationally for their operational value. I should further like to explain in regard to that latter category that the matter has, for some time past now, been the subject of directives issued from General Headquarters and of co-ordinated arrangements between the military and the civil authorities, that is to say, the police. I have taken the matter up further with General Headquarters and it is intended to conduct a joint investigation to ensure that the orders and directives which have been issued and are in force are, in point of fact, being fully complied with on the ground.

PERSONAL STATEMENT

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, I would like to make a personal statement. In my speech on Friday last, the 28th October, referring to the hon. Member for the Coast, I said, "He said if he were Minister for Finance, he would introduce an interim Budget like Mr. Butler was doing on Mr. Butler's lines". My hon. friend was present when I made the remark and made no effort to contradict me. Since then, however, he has drawn my attention to the fact that the words he actually used were: "My hon. friend, I know, would like me to give him some suggestions—what I should do if I was on the other side of Council. Well, I certainly would follow a good deal of what Mr. Butler is doing, and have a financial squeeze—a money credit squeeze—and I would certainly make it much less easy for people to borrow money from the banks in this country. I would have a considerable cutting down on luxury goods here. All the shops in Nairobi and Mombasa—the windows are simply full of luxury goods which would do credit to Bond Street in London or Eloff Street in Johannesburg—and I think—my hon. friend, very rightly, dealt with this subject as well—that it is time we thought seriously about this matter and saw that this luxury expenditure which is going on is curtailed."

As that very afternoon Mr. Butler was introducing in the House of Commons a supplementary Budget for the furtherance of that policy and those purposes which my hon. friend had outlined, I assumed that my hon. friend meant that he would follow Mr. Butler in that action, although, of course, he could not have known the details thereof. My hon. friend assures me that he had no such intention, but was referring to the general lines of Mr. Butler's policy.

I accept, of course, my hon. friend's interpretation and would, therefore, beg to withdraw the words "he would introduce an interim Budget like Mr. Butler was doing on Mr. Butler's lines" and place on the record again that the words my hon. friend used were "I certainly would follow a great deal of what Mr. Butler is doing, and have a financial squeeze".

BILLS

FIRST READING

Trade Marks Bill—(The Minister for Commerce and Industry)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

Price Control Bill—(The Minister for Finance and Development)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

Penal Code (Amendment) Bill—(The Minister for Legal Affairs)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

Seeds Bill—(The Minister for Agriculture, Animal Husbandry and Water Resources)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

Customs Tariff (Amendment) (No. 2) Bill—(The Minister for Finance and Development)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

BILL

SECOND READING

The Trade and Supplies Bill—Order for Second Reading read.

Debate resumed.

MR. HARRIS: Mr. Speaker, on Thursday last when the debate was initiated on this Motion I think I made it quite clear that I was opposing the Second Reading. I have now, Sir, had the week-end to consider that and am still of the opinion that I should oppose the Second Reading. Unlike the habit of some Members of this Council, Sir, I have had the whole week-end for second thoughts and I have spent the week-end abridging what I was originally going to say on the Second Reading.

I would only add one word to what I said in general terms, Sir, that is that I described this Bill, I think, as being the most vicious piece of legislation that I had seen presented to this Council whilst I had been a Member. The word that I would add, Sir, is iniquitous. It is

(Mr. Harris) really, on reading it again over the week-end, nothing short of an iniquitous piece of legislation. I cannot help feeling, Sir, and I made it quite clear when I was speaking before, that I am in full agreement with the reason for this legislation, but I cannot help feeling that there must be some better way of protecting the sterling bloc than to set up an army of minor Hitlers to interfere with the liberty of individual subjects—in many cases of honest traders. In any case, Sir, what is it that we are trying to protect the sterling bloc against? Surely, I only know at the moment of two blocs, unless there is a third, the round bloc, the second being the dollar bloc.

Now, Sir, I did think that we were on friendly terms with the dollar countries and I would not believe that that great home of liberty and independence, the American United States, would ever agree to a small country like this enacting such enterprise-destroying legislation in order that we might protect ourselves against them. I would have thought, Sir, that in the many comings and goings between London and Washington some easier solution would have been found rather than this piece of legislation. In any case, Sir, I believe that in all the dependent territories that the Minister mentioned in moving the Second Reading, I believe they would be almost unanimous in saying they would rather see the sterling bloc disintegrate rather than that it should be the signal for legislation of this type.

In the Bill we are sacrificing—again I am afraid, Sir, I must repeat very briefly what I said on Thursday—we are sacrificing the necessity for a warrant for search in what must be comparatively minor offences. We are sacrificing the right that we have under which the Crown shall prove the guilt of a person accused and, Sir, the one other I consider is the worst hostage to bureaucracy of the whole lot is that in this Bill we incorporate the right of one person to decide whether an order is necessary or not and having decided, the very fact that he made that decision, is in law that the decision was necessary, I believe, Sir, that this is getting at the very roots of individual liberty.

I would say, Sir, that if the Government see fit to use their steamroller in this Second Reading, that they should, when this Bill becomes law, use it first of all to ensure that there is an embargo on the importation of legislation such as this. Under the Bill, Sir, the Minister can prohibit anything, he can interfere with anybody, and I would have thought, Sir, that the best thing he could do, was to ensure that we never get any more legislation which is so typical of the new despotism which is unfortunately is being exported from Europe in such large quantities at the present time.

I would consider, Sir, that the Government should do three things. We hear a great deal about collective responsibility in the Council of Ministers. Knowing all those individual Members of the Council of Ministers, Sir, I would ask them to read this Bill again, if they have yet read it, to consider the terms of it and to search their consciences very, very carefully as to whether they really believe that it is necessary to restrict the liberty of ordinary human trading, buying and selling, the importation and exportation of goods, and to ask themselves whether, had they read it carefully in the first place, they would have ever agreed that the Bill in its present form should have come before this Council.

The second course which I would recommend to Government, Sir, is that they should agree that this Bill should go to select committee. Since I started speaking on it I think four times I have said that I agree with the necessity for the legislation: I do not agree with the manner in which it is being implemented and it seems that probably a select committee might be the answer to that particular dilemma, or falling that, Sir, might I recommend Government that they should take this Bill back and they should redraft it. They should eliminate by the time we get to the Committee stage any of those clauses which unnecessarily offend against the rights of the common citizens, because, Sir, if they do not adopt one of those courses which I maintain are reasonable then I am afraid that at the Committee stage I shall find it necessary to initiate the debate on every clause in which I can find anything controversial. I know that

(Mr. Harris)

that probably means the Council sitting until Christmas, but, Sir, I believe there are principles in this Bill which if we sit until Christmas twelve months it is necessary for Members on this side to fight word by word.

With that, Sir, I beg to oppose the Second Reading.

THE MINISTER FOR LEGAL AFFAIRS: Mr. Speaker, Sir, I rise not as a Government steamroller but as a conciliatory hedge trimmer. The hon. Member for Nairobi South has delivered what one could only call a blistering attack on this Bill, but in exhausting his fund of superlatives, on which I must say I must congratulate him, he has fallen into the not uncommon error of grossly overstating his case. However, I propose to indicate to him and to the Council the extent to which the Government feels it can go to meet his objections, because not only has he overstated the case for many of his objections, but he has, in fact, misunderstood certain provisions of the Bill to which he has taken such vociferous exception. (Interjection by Mr. COOKE)—That is the draftsman's fault. I prefer not to reply to that; I do not wish to be provoked, Mr. Speaker.

The first point on which I would reply to him is not one on which the Government can see its way to making any concession and that is the question of making the Bill an annual Bill. It is, as he has indicated, a necessary piece of legislation. As I understand his argument, he is not attacking the principles of the legislation so much as the detail of its implementation. Since this Bill does, in fact, implement our obligations, not only to ourselves but to others who depend on us in part for the integrity of the sterling bloc, it is a Bill which we cannot set a limit to.

Now I propose to take the points on the various clauses in numerical order which the hon. Member raised.

First in regard to clause 3. I think his objection was in regard to the powers of delegation which clause 3 (2) would confer on the Director, and in particular he disliked the idea of delegation to "any other person", as the phrase

stands in the Bill. Now, that objection of his is not confined only to this clause but to a number of other clauses in the Bill in which similar words are used when there is talk, not only of delegation, but of authorization of "any other person" to perform certain functions or to exercise certain powers under the Bill. Now, what I propose in order to meet his objections on this point to the various clauses which contain comparable phrases is that clause 3 should be replaced by a new clause, somewhat modified, which would provide in sub-clause (1), not only for the appointment by the Governor of a director and deputy director of trade and supplies but for the appointment also by the Governor of such assistant directors as may be necessary to administer the Bill. Then one would get away in this clause and in other clauses where the same sort of phrase occurs from the expression "any other person". The delegation to, or the authorization in later clauses of, as it now stands, "any other person", would be confined to a deputy director or an assistant director. It seems to me that that might relieve him of his anxiety that some wholly unsuitable person might be authorized or empowered to exercise powers under this Bill.

Secondly, I would suggest that the Director's powers of delegation should be exercisable only with the approval of the Minister and that the delegates should be confined to the Deputy Director or an Assistant Director. That, I suggest, would meet his objections reasonably and fairly on clause 3 and on similar points elsewhere.

Passing to clause 4, the objection which my hon. friend took to sub-clause (2) of clause 4 is one of the points which I suggest that he had misunderstood. My reason for saying that is that sub-clause (2) of clause 4 is, in fact, declaratory of the common law. That being so I am perfectly content that it should be omitted. I do not want to embark on too technical an argument on this point but I think that if the hon. Member would consult his hon. and learned colleague from Aberdare and mention in his ear the name of the case *Anderson against Liversidge*, he may have the principle fully explained to him. The point, very briefly, is that this is a matter necessarily

(The Minister for Legal Affairs)

and inevitably of executive discretion and where there is under a statute an executive discretion to be exercised it cannot be impugned in the Courts save on the ground of ill-faith and as the House of Lords or one of the very learned Lords, in the case that I have just mentioned, said in his judgment which was a dissenting judgment, it is almost impossible to impugn the good faith of a Minister. However, as I say, I am quite prepared that that sub-clause should be omitted. It will, in fact, make no difference to the end result and it was inserted with the honesty and forthrightness for which the hon. Member will no doubt agree, this Government is renowned.

The additional point which I would suggest in regard to clause 4 is that the Minister should not be permitted to exercise the powers of delegation which he derives from another Ordinance, to delegate the performance of the duties or the discharge of the powers conferred upon him by this clause 4 and I would, therefore, be prepared to insert a further sub-clause to the effect that the Minister shall not delegate those powers.

Passing now to clause 6 and the points which my hon. friend took on that clause. The first point, if I remember rightly, was his reference to the wideness of the phrase "any goods" in the third line of the first sub-clause. But, of course, those words are not as wide as they may at first sight appear since they are expressly qualified by the succeeding phrase, namely "any goods, the exportation or importation of which is for the time being restricted by an Order made under section 4 of this Ordinance". This is, therefore, I think the hon. Member will agree on reflection, unexceptionable; it is merely part of the necessary consequential provision for the implementation of an Order made under clause 4. So far as the complaint which he raised under sub-clause 4 of clause 6 that an appeal is only allowed against the cancellation of a licence, I would suggest that that sub-clause be expanded so that an appeal would lie to the Minister against any decision of the Director under the section, whether it be cancellation or refusal or any of the other matters on which he is called upon to decide under that clause.

Clause 10 was the next clause on which the hon. gentleman raised objections. Now, in the first place it should be recollected that this clause relates to our domestic control of essential supplies and in order to meet the hon. Member, I would suggest that provision be included that all orders under this clause be laid before this Council on the usual formula whereby this Council could move within a certain period to annul. I am quite content, for the same reasons I have already mentioned in regard to clause 4, I am quite content that sub-clause (4) of clause 10 should be deleted. In order to differentiate properly and in a practical sense between the nature of an order under clause 10 (1) (a) and that under clause 10 (1) (b) the latter being very largely a matter of personal direction, I would suggest that paragraph (b) of clause 10 (1) should have inserted at the beginning of it the words "empower the Director or Deputy Director or an Assistant Director to require any persons, etc. . . .", which would take it out of the category of direct orders by the Minister. This is a matter of individual or day-to-day detail rather than of ministerial direction by order laid on the Table of this Council and I suggest, therefore, that all the Minister should do in regard to those powers is to authorize certain persons to exercise them rather than he should exercise them personally and individually in each case.

Again, under this clause, I offer on the altar of sacrifice an additional sub-clause that again the Minister shall not delegate his powers under this clause. At the same time there is one small formal addition to the clause which I would make and that is merely to propound by an additional sub-clause that a contravention of an order shall be an offence, which is merely repairing what was a formal omission in the Bill as originally presented.

Passing to clause 11, for which the hon. Member reserved some of his most virulent vituperation, I would remind him that not very long ago this Council passed in the Agriculture Bill almost precisely similar, but slightly wider, powers in respect of the agricultural industry. It is for that reason that the agricultural industry is excluded from the operation of this clause, for were it

[The Minister for Legal Affairs] not so excluded there would be a duplication of powers in regard to that industry. The exclusion of the agricultural industry is in no way due to the weight of influence of the Minister for Agriculture on his colleagues or, in fact, in any other way to his weight.

Passing to clause 14 which has to be read, of course, with clause 15. This is one of the clauses where I would suggest that the words in the early part of the clause "or any person authorized in writing by either of them", be replaced by the words, "an Assistant Director". Now, the objection which my friend has raised to giving powers of entry and search without warrant are, I think, rather theoretical. These powers do exist in other contexts and if one attempts to consider, Mr. Speaker, the practical application and enforcement of control of any variety, control of this nature, control of any other nature, but particularly control of this nature in which the enforcement officers will be dealing with persons of the category, not exclusively, but of the category of smugglers and black-marketeers, it is not practicable to insist that they should go before a magistrate every time, before they exercise these powers, to get a warrant. It is not practicable because it would very largely defeat the purposes of the control. That is why there is in clause 14 a provision for the exercise of these powers without warrant, but there is also the provision in the next succeeding clause for the exercise of these powers with warrant and in ordinary circumstances a warrant would be sought and obtained before the powers were exercised, but if an enforcement officer were to come across an offender *in flagrante delicto* in the middle of the night, to suggest that he can do nothing to him, he cannot follow the goods, he cannot enter the premises in which he sees obvious indications of an offence being committed, to suggest that he cannot do that but must wait and obtain a warrant and find after he has done that and returned with the piece of paper in his hand that the birds are flown is, in my respectful submission, Mr. Speaker, to misunderstand the essential and practical considerations on which this clause is founded. It is not, to my knowledge, suggested that other powers of entry or search without warrant which

exist elsewhere in the law are abused or constantly abused or that there is any sort of scandal about the use of such powers, neither is there any ground in my submission to anticipate that these powers will be abused in that way. There are the two provisions, the one will apply where there is opportunity to obtain a warrant without giving the offenders the opportunity to abscond; the other is a necessary longstop against letting a fast one get by. With, therefore, the substitution of "Assistant Director" for the words "any persons authorized in writing", I hope that my hon. friend will accept those two clauses: I would also commend to his consideration that in regard to clause 16 similarly the words "any person authorized in writing" be replaced by the words "an Assistant Director"; that clause relates to the power of search of vehicles.

His point in regard to sub-clause (2) of clause 16 is, if I may say so, a good one, where he complained that the vehicle could be stopped and searched if it was thought to contain some goods being transported in contravention of the law, whereas when it got to the police station the sub-clause purported to confer power to seize any goods in the vehicle. I accept that entirely and I would qualify it suitably with words to the effect that he should only seize any goods which he has reasonable cause to believe are goods in respect of which an offence under the Ordinance has been, or is being committed.

Now in regard to clause 18, he made his most outstanding example of overstatement in that he complained that innocent traders might be deprived of their goods, particularly seasonal goods, and might not get them back for as much as a year. Now, then, if the hon. Member would read the clause—

MR. HARRIS: The Minister, Mr. Speaker, has misunderstood me. They would not be any use to him for a year if they were seasonal goods. He might get them back after the season had finished.

THE MINISTER FOR LEGAL AFFAIRS: I see what he was intending to convey, but at the same time it is still a specious objection to the clause, because again I invite him to read the clause which provides that goods can be held for the

[The Minister for Legal Affairs] maximum of one month if no proceedings have started. Now, admittedly, a month is perhaps quite a long time in relation to seasonal trade at Christmas or seasonal trade in Easter eggs at Easter, but at the same time it is not a very long time in which to investigate the possibility of an offence. Now, if by the end of that month no proceedings have been commenced then the goods have to be released. It is a maximum period of detention of one month in order to allow the matter to be properly and adequately investigated and proceedings, if warranted, to be started. If proceedings are during that period commenced then, of course, the goods become exhibits in the case. I do suggest to him that this particular clause at any rate is not quite as iniquitous or monstrous as he thought at first sight.

In regard to clause 22—the onus of proof. Now, again the hon. Member has raised a bogey, because this is a perfectly common and ordinary form of provision and it is, in fact, based on a principle which one might almost say is fundamental to the law of evidence. That principle is that the onus of proving any matter which lies within the particular knowledge or ability to prove of one person or party, shall be on that person or party and it is a form of provision regarding the onus of proof which is common to a great deal of fiscal legislation. The onus of proving the place of origin of any goods or that the exportation or importation of any goods is lawful should be on the person prosecuted or claiming anything seized under the provisions of this Ordinance. That is the person within whose particular and peculiar knowledge those matters lie, and who has peculiarly available to him the means of establishing the authenticity of his case. It is not for the Crown to prove the negative in those matters. As I say, that is a perfectly common and justifiable shifting of the onus in this sort of legislation.

In regard to his complaints on sub-clause (2) of clause 22, as to the place of trial. That clause is merely inserted in order to ensure that jurisdiction will arise conveniently wherever the goods happen to be or where the individual happens to be. A number of offences under this Bill might well be perpetra-

ted, might be committed when goods are in transit, and rather than have a lot of abstruse argument as to whether or not jurisdiction arises in one particular district, province or area or in another, we have inserted this clause to try to eliminate those irritating technicalities which the law is so often charged with creating by laymen.

In regard to the indemnity which sub-clause (4) of clause 22 imports into the Ordinance. That again is a perfectly common form and it is founded on good faith. The indemnity only arises where there is good faith, because, of course, the essential phrase in that sub-clause is contained in, about the middle of it where it says, "if the Court before which such proceedings are heard is satisfied that there were reasonable grounds for the action taken"; it is only then that the clause operates at all and then it operates to permit the plaintiff to recover anything seized, or the value thereof, but not any damages or costs, neither does the clause permit him to be mulcted in costs himself. It is, I think the hon. Member will concede, having explained it to him, it is not an unreasonable or unfair provision.

Finally, I think finally, I would suggest that in order to meet the hon. Member and, in fact, I think we are anticipating here, because I think he never, in fact, got past clause 24—but the point I am making is that the Government would be prepared to accept under clause 24 a sub-clause requiring regulations made under that clause to be laid before this Council in accordance with the usual formula that they could thereafter be annulled by Resolution of the Council.

There are one or two purely formal or consequential amendments which will also be moved in Committee and which do not really affect the hon. Member's attack on the Bill. I have indicated the extent therefore to which the Government feels able to conciliate the views which have been expressed by the hon. Member, but I must make it quite clear that the Government is not able—in fact, I think it is also true to say that the hon. Member did not suggest that it should—is not able to leave out or abandon the main principles of this legislation. What I have tried to do is to indicate the extent to which the Govern-

[The Minister for Legal Affairs] ment would feel able to go to mitigate the severity of the provisions for its application which my hon. friend took exception to.

If those points on which we have met him are acceptable to him, then the necessary amendments will be moved at the Committee stage. Since these points really indicate the limit to which Government feels it would be able to go to, I would suggest that the appointment of a Select Committee would perhaps not serve the same useful purpose as the hon. Member had in mind, in view of these concessions and, of course, it would somewhat seriously defer the conclusion of the various stages of this Bill in its passage through this Council.

Mr. Speaker, I beg to support.

MR. SLADE: Mr. Speaker, Sir, in spite of the enthusiasm and eloquence with which the hon. Minister moved the Second Reading, it had been my intention to oppose the Motion because it seemed to me, as it seemed to my hon. friend, the Member for Nairobi South, that this was a supreme example of what one might term uncontrolled control. I do think, Sir, that my hon. friend, the Member for Nairobi South, has done this Council a very good service in drawing our attention to all these objectionable features, which otherwise some of us might have passed them unnoticed. On the other hand, Mr. Speaker, I think that the hon. Minister for Legal Affairs has done the Council an equal service in meeting those criticisms so fairly and showing quite clearly, by what he said just now, that Government does not go in for uncontrolled control just for the fun of it, but, in fact, is most anxious that legislation of this kind should not contain any wider powers or incidental provisions than are really necessary. In the light of that attitude, and his assurances that we shall see certain amendments put up at the Committee stage, I am now intending not to oppose the Second Reading and I understand that my hon. friend, the Member for Nairobi South, takes the same attitude.

There are, Sir, one or two short comments I should like to make on what the Minister for Legal Affairs has said. I was most interested in what he had to

say about sub-clause (2) of clause 4. I must say it seemed to me just as objectionable as it seemed to the hon. Member for Nairobi South, and I would not accept without closer study of the case of *Anderson and Liversidge* that he is right in what he says. However, that is academic since he has agreed to delete this sub-clause; and so I will not weary Council with that bit of fun.

On clause 14, Mr. Speaker, I am still rather worried, because this question of an Englishman's house being his castle is one of the great principles to be cherished. I know that we have from time to time departed from it, but it is one that we want to preserve as complete as we can; and it does strike me, apart from that principle, that clause 14 and 15 as they stand look rather silly side by side. In one clause you give people power to enter without a search warrant, and then in another clause later, you say that they can get a search warrant, but the second one, as the first stands, does seem quite redundant; therefore, as I say, it looks rather silly. I do understand the Minister's argument that there may be cases of emergency where the whole point of the search might be lost if a warrant had to be obtained. What I am going to suggest to him in order to restrict the use of this power of searching without warrant, and at the same time to give more point to clause 15, is that in clause 14, which confers the power of searching without warrant, there should be this restriction; not only that the person wishing to search must have reasonable cause to believe that an offence is being committed, as now provided, but also that he must be of opinion that the matter is too urgent for him to obtain a warrant. Then clause 15 still has point, and the officers concerned will see that they are only to use clause 14 in real emergency.

Passing on, Sir, to clause 18. The Minister pointed out that goods that had been seized under preceding clauses can only be kept for a period not exceeding one month, unless proceedings are started within that period. The hon. Member for Nairobi South objected that even one month may be too long if the goods are of a seasonal nature. It has occurred to me, Sir, that that difficulty might perhaps be met under clause 17 which already provides for perishable

[Mr. Slade] goods. That enables the magistrate, if satisfied that the goods are of a perishable nature, to sell or otherwise dispose of them. It might be that seasonal goods, which are really rather in the same class, should also be covered by that clause.

The last point on what the Minister said with which I want to deal, Sir, arises under clause 22. Now, there again we are dealing with a very fundamental issue of principle, in this question of burden of proof in prosecutions. It has been, as we all know, a principle that a man is innocent until he is proved guilty; but we find that knocked flat on its back by clause 22 (1) (a). "It shall not be necessary to prove guilty knowledge." Mr. Speaker, I know that there is legislation of that kind already on the statute book, but I think it is always objectionable and I do not think that really it is ever justified. After all, the question of proof of guilty knowledge is a matter of presumptions and counter-presumptions. The mind of man is untriable—no one can prove what was in his head, you can only gather it from the circumstances. Now, if the circumstances of the case are not such as to raise a presumption, some sort of initial presumption, that the accused had guilty knowledge, I do suggest, Mr. Speaker, that he should not be convicted. It does not take very much, particularly in this class of case, I suggest, to raise a presumption of guilty knowledge; and, once that presumption is raised, he will be convicted unless he can rebut it, but there must be the presumption raised.

Likewise, Sir, when we come to clause 22 (1) (b)—"the onus of proving the place of origin of any goods or that the exportation or importation of any goods is lawful..." Now the Minister quite rightly said, according to our substantive law, the burden of proving a fact, particularly within the knowledge of a party, is usually placed on that party. So it is fair enough to provide, as this clause provides, that the onus of proving the place of origin of any goods should rest on the accused. It is up to him to prove where they came from. But to go on and say that he has got to prove that the exportation or the importation was lawful is going a long way because the ordinary principle is that the prosecution has to prove that

something is unlawful, and you are back again to this question really of guilty knowledge and guilty circumstances. I would suggest again to the hon. Minister that that clause be modified, so that the only onus resting on the accused is proving the place of origin of the goods or the circumstances of exportation or importation, but not requiring him to prove his innocence, or requiring him to prove that what he has done is lawful. I do beg the Minister to reconsider that one clause.

Lastly, Sir, in general, I would urge that this Bill gives us very clear warning of the dangers when we move from temporary, or emergency legislation, into more permanent legislation on the Statute Book. We are likely, I imagine, to see quite a lot more legislation of this kind as we pass from the regulations introduced during the war and which are still being kept on. We can take quite a lot, Mr. Speaker, in the way of slapdash legislation by rule, purely for emergencies—we have taken a lot, we are used to it; we do not expect it to be very well worded, we expect it to be pretty arbitrary. But when we find in that kind of legislation an ingredient that we want to keep on as permanent law, removed from any emergency; then we have got to be very careful how much of that emergency legislation we retain, and in what form. We have nearly always had experience of several years' working of the emergency legislation before we reach the point of wanting to make it permanent law. Therefore, we know, or should know, exactly what powers are really needed, from our experience of that emergency legislation; and we are in a position to say that these very wide powers, rushed out in times of emergency, can now be cut down and streamlined to the bare minimum of what we really need, without unnecessary interference with the liberty of subjects.

Subject to those comments, I beg to support.

MR. CHANAN SINGH: Mr. Speaker, Sir, legislation of this type has existed since the beginning of World War II, but, Sir, now that we have moved, or are moving, into ordinary times, we should be very careful, that we do not perpetuate anything which was designed especially for

[Mr. Chanan Singh] temporary use. Well, Sir, the powers provided in this Bill are so far-reaching that I think the suggestion for sending it to a Select Committee was worth more consideration than the Government seems to have given it.

The hon. Mover called the Bill a distinct step along the road to autonomy. I do not agree that this Bill takes us towards autonomy. In fact, we could have passed a Bill like this 20 years ago, we can pass it to-day. This does not add to the powers of the Colony, it does not add to the powers of the Legislative Council, but it does definitely add to the powers of the Government; it does definitely give the Government more autonomy than it had. The only question is whether it is desirable that Government should have all the powers that this Bill gives them. The one important reason that has been given for enacting this legislation is the defence of the sterling. Well, Sir, I am sure sterling will not need defending always, but occasions may arise when measures will be necessary to that end, but this Bill will remain on the Statute Books for ever.

THE MINISTER FOR COMMERCE AND INDUSTRY: No.

MR. CHANAN SINGH: Oh, yes, we can always amend but it will still be permanent legislation and the Government will be able to use these powers so long as this law remains on the Statute Book. It is for that reason, Sir, that we should examine the various provisions of it carefully and I suggest that the Government should agree to the appointment of a Select Committee so that the very important provisions of it may be gone through carefully.

There are a few points on which I want the views of the hon. Mover. The clause 4 (1) gives the Minister power to "prohibit absolutely or restrict" the exportation or importation of specified goods. Sir, here the two words used are "prohibit" and "restrict". What exactly is the distinction between these two? Is it the idea that certain goods will be "prohibited" and no one will be able to import or export them whether with licence or without licence? And will the "restriction" mean that importation and exportation will be permitted but with a licence?

And, Sir, clause 5 uses the word "restricted" only. It says, where "the exportation or importation of any goods . . . is restricted . . ." then certain consequences follow. Again the following clause uses the same term "restricted". I do not see the idea of "prohibition" coming into Part II. What is intended by the use of these two terms? Later on in Part III of the Bill, clause 10, sub-clause (2), the word "prohibit" is used. This is how the clause reads, "Any order made under this section may prohibit the doing of anything thereby forbidden except under the authority of a licence or permit . . ." so that there can be prohibition and there can be licences and there can be restriction and there can be licences. I do want the Minister to explain what is in the mind of the Government on this point.

There is also one other point in the same connexion. The Bill authorizes the Minister to prohibit or restrict importation from any specified country or place, or from any specified person or class of persons. What exactly is the intention here? Will they sometimes prohibit the importation of goods from a particular individual and, so far as importations from particular countries are concerned, the orders issued may sometimes conflict with the Congo Basin treaties.

I also want to know how it is proposed to see that the Congo Basin treaties are not infringed since there can be distinction between one country and another and there can be distinction between one person and another.

The next point, Sir, to which I wish to draw attention is the subject of consultation with interests affected. There are two clauses which refer to consultation—one is clause 10 which authorizes the Minister to consult "commercial and industrial interests". Clause 11 also says, "Whenever it appears to the Minister, after consultation with such persons as appear to the Minister to represent commercial and industrial interests in the Colony, necessary so to do for the better carrying out of the provisions of this Ordinance, he may . . ." do certain things. But, Sir, this does seem to mean that it is only commercial and industrial interests that the Minister is required to consult. May I suggest that sometimes at least it would be necessary to consult

[Mr. Chanan Singh] consumer interests and, in my view, the wording of these clauses should be altered so as to enable the Minister to consult consumers as well as producers and sellers of commodities.

Sir, there is clause 12 which says, "Every order made under this Ordinance shall come into operation on the day on which the same is made unless another date is therein specified . . ." When an order is published in the *Gazette*, it takes two or three days for the *Gazette* to reach the people concerned. Well, Sir, the effective date is the date on which an order is made and that will mean a few days even before the *Gazette* is published. I suggest, Sir, that the effective date should be the date of the publication of the order in the *Gazette*, unless, of course, the order is served upon the individual who is affected by the order.

I now refer to clauses 14 and 15. I agree with my hon. and learned friend, the Member for Aberdare, that these two clauses standing side by side do not make sense. Some sort of division there is in the wording. Clause 14, for example, refers to an offence which is "being committed" and also to an offence which "has been committed". In these cases, there are powers of entry and search without a warrant. In clause 15, Sir, before a warrant is issued it is necessary that an offence "has been committed". Sir, there is a certain amount of overlapping in these two powers. If clause 14 is intended to apply to cases only where an offence is being committed but has not been completed and clause 15 to cases where an offence has actually been committed, then there should be some sort of distinction, although, even then, I like the hon. Member for Aberdare, do not like the giving of powers of search and entry without warrant, but if such powers are necessary, they should be as restricted as possible.

On clause 22—also I support what the hon. Member for Aberdare said. Since this Bill is intended to apply in ordinary times, there is no reason why the Government should try to get away from their ordinary responsibility in criminal cases which is to establish guilty knowledge. In any case, Sir, all that the Bill says is that it shall not be necessary to prove guilty knowledge. Suppose the Prosecution does not prove guilty know-

ledge, and the accused proves that he had no guilty knowledge, I am sure it will be very difficult to convict him. It would be better to leave this reference to guilty knowledge out.

There is one final point, Sir, concerning clause 6, sub-clause (4) of this clause refers to an appeal when a licence is cancelled. Sir, the circumstances in which cancellation can take place are left vague. Everything will be left to the discretion of the Director. Will the Minister give us some indication as to the circumstances in which the powers of cancellation are intended to apply? In any case, Sir, I think the time allowed for appealing is too short. I think seven days should be increased—it should be increased to at least two weeks. This refers to all goods, imported and exported goods.

With these words I support.

MR. CROSSKILL: Mr. Speaker, the hon. Minister who moved this Second Reading, did state, I think, that he had consulted the Chamber of Commerce. He did not state, I think, whether they agreed in principle or have agreed the draft Bill, but I presume the former. I would like him if he will, however, when he is replying to state whether the question of compensation was raised or preferably perhaps how the question of compensation could be avoided, because it appears to me that if these powers are used, particularly under clause 4 where they may be used in an emergency without consultation, there would be very considerable commercial losses due to commodities, which it is proposed to bar, being ordered and still being en route to this country. I should be grateful if he would comment on that, Sir.

Just finally, Sir, I would like to say that we do feel on this side that we are opposing this in the interests of Government in order to save themselves from themselves. I believe that only one notability in history, other than the hon. Mover, has sought such powers as this Bill would confer and he, Sir, was called to task and had to sign the Magna Carta.

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

THE MINISTER FOR COMMERCE AND INDUSTRY: Mr. Speaker, first I would

[The Minister for Commerce and Industry]

like to congratulate my hon. friend, the Member for Nairobi South, for the light that he threw on a number of somewhat obscure places. On some of the points he made we have been able to meet his views and the views of other hon. Members and the Government is glad to be able to do so, because in presenting legislation of this kind to the Council, it is very necessary that that process of analysis and criticism should go on in the Chamber. I think when my hon. friend, the Attorney General, spoke and indicated that in many respects we were able to meet hon. Members and to attempt to meet them in others, that we were showing that the views of this Council are taken seriously and indeed they should be taken seriously in things that affect the economic life and the liberty of the subject as much as the Bill before Council does.

Now, Sir, before dealing with one or two more general points, I would attempt to deal with the additional points made by my hon. friend, the Member for Aberdare. Some of the points were difficult legal points that we will wish to consider before we go into Committee. There is the point of guilty knowledge and the question as to whether proof of origin of goods and the circumstances in which they were supplied can be modified in the way my hon. friend suggested. We will examine those points between now and the time that we go into Committee on the Bill.

There is the interesting point in clause 18 which my hon. friend mentioned which has to do with the question of seasonal goods which the Member for Nairobi South spoke about. Now, Sir, I believe that the definition "seasonal goods" might be extended to cover the type of trade the hon. Member for Nairobi South referred to. We will examine the position and see if that can be done. It would have to be, as I see it, a somewhat narrow definition otherwise it might throw open the door to undesirable practices under the conditions of emergency and difficulty that this Bill is designed to meet.

On the point in clause 14 about entry without warrant and the other provision that a warrant should be applied for,

which was referred to by the Member for Central Area and by the Member for Aberdare, I believe the Member for Aberdare has suggested something that can be incorporated into the Bill which will meet his reasonable objection. I thought, if I may say so, when my hon. friend referred to that difficulty—it is a difficulty as hon. Members must appreciate—I thought he suggested how the matter could be dealt with, and the question of urgency as a determining factor which was the point made by my hon. friend I believe can be incorporated in an amendment which can be moved in a Committee of the whole Council.

Now, Sir, turning to the specific points made by the Member for Central Area. He spoke as though he did not understand the difference, in clause 4 (1) and other clauses, the difference between prohibition and restriction, and asked me to explain them. Well, Sir, before restriction can be introduced which, as the hon. Member says, rightly implies a licensing system, there must be a prohibition. In other words, Sir, a prohibition implies that export or import cannot take place without a form of licensing. I think that that explains why the two provisions appear together. Again, the hon. Member asked why might it be under certain circumstances necessary to prohibit importation and exportation altogether. That might well be necessary, Sir, in time of war. It is, in fact, necessary in respect of areas of the Commonwealth where, for instance, certain strategic materials are mined or produced; to prohibit their exportation outside a certain group of countries. That is the case today. We are not yet in a position where we have to prohibit that type of exportation from Kenya because we have not yet discovered minerals of that kind. But, if we did, then, Sir, it would be necessary to place an absolute prohibition of exports in relation to certain countries, possibly in relation to certain groups, while allowing it under licence to others. I think, Sir, that while perhaps I cannot expect the hon. Member to agree as to their necessity, I do not believe that now he is under any misunderstanding as to what the clause means.

Now, Sir, as far as the Congo Basin Treaties are concerned, the Congo Basin Treaties have been in existence for a long

[The Minister for Commerce and Industry]

time. They are subject to administrative interpretation and a corpus of administrative practice has been built up by the signatories to that Treaty over many years, and, Sir, the sanction against breaking those treaties is protest by the other signatories—those protests are not forthcoming and, Sir, I believe that it is better to wait until they do before trying to raise the treaties as a bogey in the way of the freedom of this Government and Legislature to do what they consider to be in the best interests of the country.

Now, Sir, on the question of consultation, it would be the intention of any Minister, except under the most stringent circumstances of emergency or war, to consult the Board of Commerce and Industry. It is the most qualified body and as it is in almost continuous session it is the most convenient body to consult. It would also be the duty of the Members of the Board of Commerce and Industry to consult their constituents who are the Chambers of Commerce. Now, Sir, that obligation (except under stringent circumstances of emergency), to consult is not exclusive; it does not rule out in any way the possibility of consulting the consumer organizations and ascertaining what their views are. It is not necessary to amend the Bill to empower the Minister to consult in the way my hon. friend suggested.

Powers of cancellation in an emergency are another point raised by the hon. Member for Central Area. Well, Sir, those powers would only be exercised in a time when—either owing to war or economic crisis—the position in regard to sterling was so dangerous that, in fact, we could not meet our maturing liabilities as a sterling area in relation to other parts of the world. That has happened on two occasions, I believe, since the war. It happened during the war. In war, if course, it is not just a matter of meeting obligations, it is also a matter of sustaining and helping the enemy and, under those circumstances, cancellation of licences on what had become enemy countries would obviously be necessary. It would be a matter of the public interest. If there were an economic crisis of the character that occurred some years ago,

again it might be necessary to cancel licences rather than fail to meet our obligations in foreign currencies if the goods were delivered. Then it would be a matter of honesty.

Now, as regards the question of compensation—no question would arise, because the powers would be exercised under the authority of the Government and of this Legislature under the Ordinance. I am advised by my hon. and learned friend that that would be the position.

Sir, as regards one or two points of more general application that have been raised by hon. Members. First of all, the hon. Member for Mau asked had commerce been consulted? Well, Sir, I have a list—I have a list which I do not propose to read, as it might embarrass certain Members opposite—I have a list of all the meetings of the Board of Commerce and Industry, at which this Bill has been considered for the past two years. There were many meetings of the Board of Commerce and Industry, Sir, at which it was considered. There were meetings of sub-committees specially appointed to consider this. The Board is a most representative body covering all the Chambers of Commerce in the Colony, and, Sir, the Bill was considered in detail. That does not mean that hon. Members opposite who have raised points in the debate on the Second Reading have not been performing a most useful public purpose, because this is a complicated Bill and a difficult Bill, but I can assure the hon. Member for Mau that the matter has been most carefully considered in consultation with the representatives of commerce and industry.

Now, Sir, as regards the necessity to defend sterling—certain hon. Members have while not questioning the principle of the Bill—have asked whether the powers, as modified during the course of this debate, are necessary. I believe, Sir, and my hon. and learned friend also believes, that we have gone to the absolute limit of concession if we are to retain the principle. Now, it is necessary to defend sterling in this Colony because we are part of the sterling area. It is not a question of hostility to the dollar area, or of any other currency area being hostile to us.

[The Minister for Commerce and Industry]

It is a question of—under certain circumstances—having to restrict the entry of goods from parts of the world that require payment in their own currencies, or in gold. That is the issue and, if we are in a position where—under certain circumstances—we could not pay our way, the only honest thing to do is to have the powers to prevent goods being delivered on what, in fact, would be false pretences, because we would not be in a position to pay in the currency that they require. If those goods came in, and the sterling areas, as a whole, were not in a position to pay, then, Sir, the whole credit structure would be affected, and the end result would be infinitely worse than the restrictions that might be necessary.

Now, one hon. Member—I think the Member for Central Area—said it is necessary to defend sterling at the present time? He knows very well—it may not have been the Member for Central Area—it is necessary to defend sterling at the present time. Sir, one only has to look at the gold reserve position of the sterling area, one only has to consider the balance of payments position to see the answer to that question. It is necessary to enforce some of our powers at the present time. It might be necessary quite suddenly—in the event of war or economic crisis—to enforce them very quickly and more severely.

Having said that, Sir, and—as I think I can say—the Government having done their best to meet the views of hon. Members opposite, I believe that they will agree now on consideration that, far from wishing to take unnecessary powers, the Government is taking the very minimum of powers it considers necessary to fulfil its obligations—its continuing obligations as a member of the sterling area.

I beg to move.

The question was put and carried.

THE SPEAKER: When would you like this taken?

THE MINISTER FOR COMMERCE AND INDUSTRY: This day week, Sir.

MOTION

REPORT OF PUBLIC ACCOUNTS COMMITTEE ON COLONY'S ACCOUNTS FOR 1954(1)

LT.-COL. GHERSIE: Mr. Speaker, Sir, I beg to move the following Motion:—

THAT the Report of the Public Accounts Committee on the Colony's accounts for the half-year ended 30th June, 1954, which was laid on the Table of this Council on the 20th October, 1955, be adopted.

Sir, in moving this Motion, it will be appreciated by hon. Members that the report refers to the Colony's accounts for the half-year ended the 30th June, 1954, and the observations raised in the Director of Audit's Report covering that period. Sir, it is unusual, of course, to prepare the accounts for a six-months' period, but this became necessary due to the alteration in the date of the ending of the Colony's fiscal year which—as hon. Members are aware—is now the 30th June in each year instead of the 31st December.

Sir, I have every reason to believe—in fact, I understand fairly definitely—that the Controller and Auditor-General—until recently known as the Director of Audit—is in the process of completing his report on the Colony's accounts ended the 30th June, 1955, and it may, therefore, be of interest to Members, Sir, to draw their attention to the fact that, practically speaking, the Colony's accounts, and the audit thereof, are now up to date. I believe—I have every reason to believe, Sir—that this is the first occasion in the Colony's history that this position has been achieved.

Now, Sir, it must be appreciated, of course, that this has been brought about primarily by the alteration in the Colony's system of accounts, and by the introduction of the Exchequer system, and there is no doubt, Sir, that that system is working well, and more particularly when it is realized that up to a year or two ago the Colony's accounts were as much as thirteen months in arrears.

Now, Sir, on the other hand, I am not suggesting that everything is perfect. There is a great deal that remains to be desired—for instance, there is room for considerable improvement in the control of expenditure, and there is a very

[Lt.-Col. Ghersie]

definite need for the introduction of an internal audit system throughout Government departments. I think the chief trouble, Sir, is in the shortage of efficient accounting personnel and, in some departments, the lack of continuity in regard to accounting officers. For instance, Sir, in the Police Department, since the introduction of the new system, the original accounting officer has been replaced, due to that officer going on leave pending retirement, and I believe the present officer is to be replaced in the near future. Well, Sir, in a department such as the Police Department, which has undergone extensive expansion, it will be most difficult, and will take any accounting officer some time to pick up the threads.

Now, Sir, attached to the report as Appendix "A" is a Treasury memorandum on our Report of the 1952 accounts, and, as Appendix "B", a Treasury memorandum on our Report of the 1953 accounts. Sir, there has been insufficient time to have the report printed, and I am afraid, Sir, with the mass of verbatim evidence which is contained in this file it may be some months before a complete printed copy of the report can be made available to Members.

On the other hand, Sir, I do not propose to comment in detail on the report, although there are one or two very disturbing features disclosed in the report, such as the falsification of accounts, and the lack of proper control over stores. However, Sir, the report is self-explanatory and covers a period of only six months, and it is hoped that the Public Accounts Committee will be in a position to present to hon. Members their report on the Colony's accounts for the year ending the 30th June, 1955, early next year, when hon. Members will receive a much more detailed survey on the whole position.

There is also one remark I would like to repeat, Sir, which I made when moving the adoption of the Public Accounts Committee Report in April last, and I think I can do no better than quote what I said on that occasion. With your permission, Sir, I would like just to read an extract of what I did say—

Now, Sir, if the Public Accounts Committee is to function properly,

then accounting officers appearing before the Public Accounts Committee must be in possession of the required information. After all, Sir, they are furnished with a copy of the auditor's report, and, therefore, are fully aware of the queries and observations that he has raised. Therefore, Sir, there can be no excuse for them not to be in a position to give satisfactory answers to the Public Accounts Committee. If, in future, Sir, as has been our experience, we do not receive satisfactory answers to questions, the Public Accounts Committee may have to seriously consider the advisability of recommending the removal of the accounting officers concerned, and the Minister in charge of that, or responsible for that department, will also be liable to come under severe criticism in that particular connexion.

Well, Sir, the position has improved in this connexion but it did become necessary again to criticize accounting officers when appearing before the Public Accounts Committee for not being in possession of the required information, and we do hope, Sir, this will not occur again in the future.

There is one other matter, Sir, and that is a point I have raised in this Council—in fact, since I first entered it in 1938, and has now become a yearly annual. Sir, due to the Colony's system regarding the annual provision of funds whereby no carry forward from year to year is allowed in regard to unexpended balances, there has been a tendency on the part of certain officers in the past to indulge in unnecessary expenditure towards the end of the Colony's fiscal year. Now, Sir, I have no intention of suggesting a change in the Colony's present accounting system, because I realize the present system is similar to that employed in other colonies and in the United Kingdom, but, Sir, I would appeal to all Heads of Services and Departments to impress upon accounting officers the necessity of keeping a watchful eye on this abuse of financial authority, and I do believe, Sir, that perhaps the Treasury might help in this direction by impressing upon accounting officers that, in effecting a genuine saving, that it would not necessarily result in the Treasury attributing that saving to overestimation by that department in

[Lt.-Col. Gheris] the previous year's accounts, as a result of which—or in consequence of which—they may suffer a reduction in the allocation of their funds in the following year; and I do believe, Sir, that quite a number of officers are afraid that the Treasury may adopt that attitude, and that therefore, in the following year, having saved funds—having unexpended funds in their possession, they may be penalized in the following year.

Now, Sir, I wish to impress upon hon. Members, Sir, that the Public Accounts Committee will take a very serious view of officers embarking upon a spending spree. It is not only immoral—it is almost criminal, Sir, with the Colony's finances. In the parlous state in which they are to-day; and the Public Accounts Committee and I have been watching this position very carefully and, if necessary, I will call for the figures with a view to examining the purchases in regard to the various months in any given year.

Now, Sir, before I conclude—

THE SPEAKER: Can the hon. Member conclude very shortly?

LT.-COL. GHERIS: In two or three minutes, Sir—not more than two minutes.

In conclusion, Sir, I would like to draw hon. Members' attention to paragraph 27 of the report—perhaps I had better stop—I might be more than two minutes.

THE SPEAKER: It is the customary time for our usual break. Council will suspend business for fifteen minutes.

Council suspended business at fifteen minutes past Four o'clock and resumed at thirty minutes past Four o'clock.

LT.-COL. GHERIS: Mr. Speaker, Sir, when the Council adjourned I was just on the point of referring to a recommendation made in the Public Accounts Committee Report, Sir, and it appears in paragraph 27 and it reads as follows: "This Report is signed in accordance with Standing Order 150 and our attention has, however, been drawn to the practice observed in the Public Accounts Committee of the United Kingdom whereby the draft Report is dealt with paragraph by paragraph and finally adopted by Resolution of the Committee, but obviating the system of signing the final Report. We recommend that this

consideration be given to amending outstanding orders to enable the Public Accounts Committee to follow the practice adopted in the United Kingdom". Sir, the object of this suggestion is to bring the proceedings of the Public Accounts Committee more into line with the practice adopted in the United Kingdom and if the suggestion is accepted it would mean, Sir, that the draft Report is dealt with at the conclusion of each sitting of the Committee and adopted by those members of the Committee who are present and thereby there would be no necessity for Members to sign the particular Report. Under the existing procedure it is often the case, Sir, that Members are called upon to sign the Report who for one reason or another are unable to be present at the Committee's sitting and, strictly speaking, they were not party to the conclusions that were reached.

Now, Sir, finally before I resume my seat, I think it would be appropriate, Sir, to pay a tribute to the Controller and Auditor-General and his staff, and the staff of the Treasury, Sir, for the effort they have made in bringing the Colony's accounts up to date. Also, Sir, for the assistance rendered by officers of those two departments to the Public Accounts Committee during the sittings of that Committee. It might also be advisable to mention, Sir, that the outgoing Public Accounts Committee have dealt with the Colony's accounts for the years 1952, 1953 and the half-year 1954 and these have all been dealt with, Sir, during the current year and whereas I am perfectly aware that the new Committee consists of practically, I say practically, the same personnel, I personally would like to record my thanks to those colleagues of mine on the old Committee for the considerable amount of time that they expended on meetings of the Public Accounts Committee and the very hard work undertaken during the year.

Sir, I beg to move.

MR. RIDDOCH: Mr. Speaker, Sir, I should like to second this Motion. I, myself, have been a member of the Public Accounts Committee for only a short time, but I have been long enough on it to realize the importance of this Committee and of the considerable responsibility that rests on the

[Mr. Riddoch] shoulders of its members. The Committee is charged with the duty of ascertaining that moneys voted by this Council are spent within the Vote allocated, and also that they are spent on the items contained in the Vote. In addition to that, Sir, the Committee is an instrument, it can be a very powerful one, for exposing waste and extravagance of all kinds, not only waste and extravagance but irregularities.

In this connexion, Sir, I would like to underline what the hon. Mover had to say about the system of internal audit. To me it is of the utmost importance that this system be extended as rapidly as possible. On the principle of a stitch in time there is no better method—assuming, of course, that the personnel concerned are highly efficient and on top of their jobs—there is no better method. I consider, for detecting quickly any irregularities and in getting them put right before they get anywhere. Indeed, Sir, I think it would stagger the Council to realize that until recently, in fact, I do not think he has been reinstated yet, but for some time past the Public Works Department has not even had a stock verifier. I am merely mentioning that, Sir, to underline again the importance of the internal audit system and the need to have it extended as rapidly, and as quickly as possible.

I beg to second, Sir.

Question proposed.

MR. MACKENZIE: Mr. Speaker, I do not propose to detain the Council for long on this occasion, I should, however, like to join with both my hon. friend, the Member for Nairobi North, and my hon. friend on this side of the Council, Mr. Riddoch, in paying tribute to the extremely useful work which is done by the Public Accounts Committee. It is a most important Committee, Sir, and I think that from the point of view of ensuring that the taxpayers' money is spent on those purposes for which this Council has authorized it to be spent and for seeing that people are encouraged to eliminate waste, there is no more important institution in this Colony.

I would like to deal with one or two points, however, which have been made both by my hon. friend, the Mover of

the Motion, and by the Seconder. There are, it is agreed, in spite of all the improvements that have been made—and the improvements have been extremely great, the difference between having the accounts for 1954/55 now more or less in the process of being completed and in fact being finally dealt with by the auditor and ready to go to print, is a tremendous improvement on what the position was a very few years ago when very often we had to approach the Annual Estimates for the next year without knowing what the actual expenditure for the previous year had been. That happened on one or two occasions and I am only too thankful that we have got away from that now, because how otherwise we should manage to survive in the conditions of expenditure that have been with us since the Emergency began when we have no longer large surplus balances, I do not know.

There are none the less, Sir, certain imperfections and we shall do our best and I am sure all accounting officers will also do their best to see that we do remove them as time goes on. It is quite true that one of the greatest reasons for continuing weakness is the lack of trained staff. This position is very much in the minds of the Government and we shall do everything possible to remove that weakness by training people in the service at the moment to undertake accounting work (and as Members are aware, Government accounts work is not highly complicated. All that is required is a sense of integrity and a good general intelligence and anybody with those qualities can be trained to do this work). We shall, therefore, encourage people to be trained and we shall give every assistance we can to see that that is done.

As regards the internal audit, there again one of the difficulties has been lack of staff and, in fact, in one of the cases where internal audit is in existence, it has not been possible, owing to lack of staff, for the department to give the attention to the points raised by their internal auditors that should have been given to them. Well, we are very well aware of that, as is the accounting officer concerned, and everything will be done to improve the position, not

[Mr. Mackenzie] only there but in all departments. Every accounting officer to whom I have spoken on this matter, has expressed his own desire to have an effective system of internal audit and as soon as we can get the staff to do it we shall introduce it throughout the service.

There is one point, I think, that I must also deal with and that is the point that was mentioned, I think by the Mover, that because there is no carry-forward of Government funds, there is a tendency in some cases for officers to feel that they must spend as much as possible of any funds that are left during the last month of the year, otherwise the funds will be taken away from them and they will never see them again. Well, Sir, I do not think that any such thing can be regarded as general throughout the service. I am quite sure that the average accounting officer and the average senior officer in departments has for too great a sense of responsibility to adopt an attitude of that kind. In any case, of course, Sir, it is quite an unnecessary attitude for anybody to adopt, because the fact is that on the first day of the new financial year each department has the full amount of money voted for it in the new financial year at its disposal and in most circumstances it is a quite unnecessary and unreasonable thing even to attempt to spend everything in the last month. The money does not disappear and it is still there and if anything is really needed in order to carry on the service for which the money is provided, that money will be there in the following year and can be used. But as I have already said, Sir, I am sure that generally speaking one can rely on the sense of responsibility and integrity of a senior officer of the service not to indulge in spending sprees and equally I can give the Council an assurance that if the Treasury caught anybody at it they would most certainly cut off the supply of funds as quickly as possible.

THE SPEAKER: No Member rising to speak. I will call upon the hon. Mover to reply.

LT.-COL. GHERSIE: I have very little to say, Sir, in reply. I am very glad, Sir, that the Secretary to the Treasury appreciates the urgency and necessity for the

introduction of an internal audit system and that it merely rests apparently on being in a position to obtain the necessary personnel.

There was one point, Sir, I do not think he quite understood when I was moving the Motion. He made a remark a few moments ago that if there were savings effected, they were still there and could be used. The point is, Sir, they are not still there and cannot be used by that department. They return, I think, into the central revenue—

MR. MACKENZIE: If I could explain that point, Sir. What I meant was that if an accounting officer has some project on which he wishes to spend money, if that is the sort of thing on which it is proper for him to spend money, the sort of thing this Council would approve the money being spent on, in those circumstances I am quite sure that the officer concerned would have no difficulty in getting authority to use the money made available in the next financial year in order to see that that service was performed.

LT.-COL. GHERSIE: I appreciate that explanation, Sir, that is the final financial year and it either would be included in the Estimates for the next year or alternatively it would take the form of a Supplementary Estimate. What I have in mind, Sir, and what I want to impress upon the hon. Member is the psychological effect. It must not be interpreted by the Treasury that any savings effected during any previous year, Sir, have been due to overestimation of that department's funds during the previous year, because there is the psychological effect that the officer feels that if he does effect the savings of that nature it might be regarded, or that saving may be attributed, by the Treasury to overestimation in which case he may suffer in the allocation of funds in the subsequent or following year. It is purely psychological.

MR. MACKENZIE: On a point of explanation, with reference to that point, Sir, the Treasury does not, in fact, necessarily ever take the view that the provision of savings should be rewarded by a cut in the following year's estimate, and the point that the hon. Member has made is taken, although I am sure—

THE SPEAKER: I am afraid that you are embarking on new and additional argument. All the hon. Member is permitted to do at this stage is to explain what he personally has already said.

LT.-COL. GHERSIE: Mr. Speaker, Sir, I am glad to have the assurance from the Secretary to the Treasury that he has no intention of regarding any savings as an overestimation and therefore they will not be cut in proportion in the following year. I did not say that that does take place, but I know officers do have that feeling that the Treasury may adopt that attitude.

Sir, I have nothing further to say and I beg to move.

The question was put and carried.

MOTION

PENSION SCHEME FOR AFRICAN TEACHERS

MR. WADLEY: Mr. Speaker, Sir, I beg to move:—

"WHEREAS Legislative Council on the 25th August, 1950, approved in principle the Report of the Committee on African Education in Kenya as modified by Sessional Paper No. 1 of 1950;

AND WHEREAS the said Sessional Paper expressed agreement, *inter alia*, with the recommendations of the said committee for the creation of a unified service for all African teachers and for the establishment of a contributory pension fund for all African teachers in aided schools, subject to a reservation that the form the pension scheme should take must await the outcome of a survey then being undertaken and subsequent discussions with the Government Actuary in the United Kingdom;

AND WHEREAS statutory provision for the establishment of an African Teachers Service has been made by the enactment of the African Teachers Service Ordinance, 1954;

AND WHEREAS regulation with regard to the terms and conditions of service of teachers who will be members of the African Teachers Service have been prepared and will be ready to be brought into force at the beginning of the year 1956;

AND WHEREAS the survey and the discussions with the Government Actuary referred to in the second recital above were based on the numbers of teachers, and the salaries paid at the 30th June, 1950;

AND WHEREAS since that date the number of teachers to be included in the pension scheme has greatly increased and their salaries have been substantially revised, necessitating a new survey and further consultations with the Government Actuary in the United Kingdom, the completion of which may require as much as a further two years, before the capital value of the cost of granting pensionable rights to all teachers can be accurately determined;

AND WHEREAS the Government, considering that it is undesirable that the establishment of a pension scheme, which is an integral part of the new African Teachers Service, should be further delayed, proposes to introduce with effect from the 1st January, 1956, a pension scheme for African teachers on the lines set out in Section IX of the aforesaid Sessional Paper:

BE IT RESOLVED that pending the completion of revised calculations of the capital sum needed to set up the required pension fund the Government shall guarantee—

(i) that the appropriate contribution in respect of the past service of teachers admitted to the pension scheme will be paid into the fund either in one sum or by instalments over a period of years when the Government Actuary's calculations based on revised numbers and salaries have been made; and

(ii) that in the meantime the Government will, if necessary, subsidize the fund to enable it to meet any payments which may fall due, any such subsidies to be deducted in due course from the contribution to be paid in respect of past service."

The working of this, Sir, is rather lengthy and sets out fairly fully the circumstances leading to the necessity for this Motion. However, it may be of assistance to hon. Members if I enlarge

[Mr. Wadley] a little on the history of events leading up to it and on the details of the guarantee which it is proposed that the Government should give.

The position, Sir, is as follows. When in 1950 this Council approved in principle the Report on African Education in Kenya—better known as the Beecher Report—it agreed, with certain modifications which were set out in Sessional Paper No. 1 of 1950 that three things should be done. The first of these was to create a unified African Teachers Service. The recommendation of the Beecher Report on this matter is No. 135 and reads as follows: "That the teaching service be a unified service to which all teachers in approved schools belong, irrespective of the employers, on the same footing, subject to the same general rules for discipline, professional conduct, terms and conditions of service, and liability to transfer, registration, engagement and discharge". The second thing that it agreed to do was to set up an African Teachers Service Board to advise Government on the management of the unified service. The recommendation here reads: "That an advisory board, to be called the Teaching Service Board, be brought into existence to advise the Government as to the management of the unified teaching service and that the Director of Education act as the co-ordinating officer in the management of the unified teaching service". The third thing which was approved was the establishment of a contributory pension scheme for all African teachers in aided schools. This recommendation reads: "That a contributory pension fund for all teachers in aided schools be established and managed by the Government, and that the contributions be 7½ per cent of the salary of the teacher by both teacher and employer, and that this fund be open to all qualified teachers in receipt of approved terms of service". That recommendation, Sir, was modified by the Sessional Paper to which I have referred in as much as there was a reservation that the form which the scheme should take must await the outcome of the survey which was being conducted at that time by the Government Actuary in the United Kingdom.

To deal with the first point, this Council at the beginning of last year passed

the African Teachers Service Ordinance, 1954, and thereby made statutory provision for the creation of a unified African Teachers Service.

With regard to the African Teachers Service Board, this was set up last year under the Ordinance to which I have referred, but there was earlier in 1953 a special *ad hoc* committee which did a considerable amount of valuable work leading up indeed to the formulation of the Ordinance and paving the way for the Motion we have in front of us to-day.

Now with regard to the third point, the Contributory Pension Scheme, in 1950 the Government Actuary in the United Kingdom drew up the outline of a scheme based on the Beecher recommendations and related to the number of teachers and the salaries paid as at the 30th June, 1950. He estimated that the capital sum which would be needed to set up the required pension fund was £125,000, the rate of contribution being 16 per cent of the salary shared by the teacher and the employer.

The African Teachers Service Board, which was set up—the *ad hoc* Board which was set up in 1952—gave consideration to this scheme, but when it was decided to appoint the Lidbury Commission to review salaries, this Board agreed that the establishment of a pension scheme must await the outcome of the recommendations made by the Lidbury Commission.

The African Teachers Service Board which was appointed after the Ordinance was passed at the beginning of last year, has now made final recommendations in the matter, but these have still to be approved interdepartmentally. I hope that agreement on these recommendations will be reached by the end of the present year.

Now, Sir, the number of teachers in 1950 was about 3,400. The present number of teachers who will be eligible for participation in this scheme is over 6,000 and, of course, in the meantime, salaries have been very substantially increased. In order to obtain an accurate estimate of the capital sum which will now be required to establish this scheme, it will be necessary to provide the Government actuary with more data, more up-to-date data, and it may take as long as two

[Mr. Wadley]

years before we know the outcome of his revised calculations. This may seem a long delay, Sir, but past experience has proved, in the first place, that it takes a long time to collect all the particulars, and, in the second place, once the particulars are available, it is no small task to carry out the consequential calculations.

As the establishment of this pension scheme was approved as long ago as 1950, it is obviously undesirable to postpone its establishment for a further long period. Furthermore regulations governing the terms of service in the unified African Teachers Service will be ready to be brought into force at the beginning of next year, and it is most desirable that the regulations establishing the new pension scheme, which is an integral part of the new teachers service, should be made at the same time.

It is therefore proposed, Sir, that the new pension scheme should be introduced with effect from the 1st of January, 1956, and that pending the recalculation of the capital sum which would be required to set up the scheme, Government should guarantee to do two things. The first is that when the Government actuary's revised calculations have been received, to pay into the fund, either in one sum or over a period of years, the appropriate contribution in respect of past service and here, Sir, I should explain that the majority of teachers now serving are employed by the missions. Many of them are members of provident fund schemes organized by the missions, and the missions' contributions are covered by the grants-in-aid which they receive.

In most cases, however, these schemes have not been in operation for the whole of the teacher's service, and in most cases, too, the rate of contribution to those schemes, both by the employer and teacher, is less than that which is now proposed under the new scheme. Accordingly, it is intended under the new scheme that past provident fund service shall count in full for pension and that past non-provident fund service shall count half. The contributions already paid will not be sufficient on an actuarial basis fully to support the pensions ultimately payable in respect of past service, and it

is proposed that this shortfall should be met from central revenue.

The second guarantee, Sir, which it is proposed the Government should give is that pending the Government Actuary's recalculations; it will, if necessary, subsidize the fund to enable it to meet any payments which may fall due in the meantime.

These proposals do mean, of course, that Government will be accepting a commitment which is not exactly known. I have no doubt my hon. friend, the Secretary to the Treasury, will deal with this aspect of the matter when he speaks to this Motion, but nevertheless, as I have already indicated, Government is committed to this principle of a contributory pension scheme, and for the reasons which I have given it is obviously desirable that the scheme should be introduced without further delay.

I think there is no need for me now to emphasize the importance of the matter which affects the very large body of men and women—a very valuable body—who are the teachers, the African teachers of this country.

Now, Sir, in conclusion I would like to mention one more point, and that is that the regulations regarding the pensions scheme must by law be laid before Legislative Council, and under sub-section (4) of section 6 of the African Teachers Service Ordinance the Council may, if it wishes, revoke them by Resolution within thirty days of their being laid.

Sir, I beg to move.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: Mr. Speaker, Sir, I beg to second this Motion regarding the establishment of a contributory pension scheme for African teachers. In the debate on His Excellency's Communication from the Chair, tributes were paid to the armed forces and to various branches of the Government service for the part played by them in bringing about the vastly improved situation which exists to-day. Well, Sir, I wish to take the opportunity of this Motion to pay a very brief but very sincere tribute to those African teachers, both in Government and non-Government schools, who kept the flag of education flying in the earlier

[The Minister for Education, Labour and Lands] and dark days of the Emergency. Inevitably, Sir, the Emergency caused a considerable disruption in African education in the disturbed areas. Children who had attended the 136 Independent Schools which were closed had to be absorbed into other schools, and alternative schooling had to be found for children who had been at schools which had been burnt down or which for other reasons had been closed. Over 100 schools in the Central Province were burnt down; over 40 teachers were killed and over 40 were seriously injured. In spite of these setbacks education continued—thanks to those people in the field who refused to be daunted by the difficulties and dangers which beset them, and, although the quality of education suffered inevitably as a result of experienced teachers being lost, the quantity of education was not greatly affected and school enrolments were, on the whole, very satisfactorily maintained. The important thing is, Sir, that through these teachers the children were able to continue a very important part of their normal life in spite of abnormal conditions.

Among the African teachers in the troubled areas during the Emergency there have been really shining examples of devotion to duty and courage of a high order. There have been individual teachers who have had to sleep in a different place every night, including the bush, in order to stand a reasonable chance of being alive in the morning. There have also been individual teachers who, in spite of suffering considerable physical violence at the hands of terrorists, have recovered and gone back to their work. There have also been all those other teachers who have remained at their posts in defiance of the threats and intimidation to which they were subjected. The conduct of these African teachers, Sir, reflects great credit not only on themselves, but on the profession to which they belong, and their dogged determination and stoutness of heart have, I am sure, won the admiration and respect of us all. I should not like their great service to the Colony to go unrecognized because of its comparatively unpublicized and unspectacular nature. It is, therefore, with much pleasure that I

take the opportunity of this Motion to pay to these teachers this brief and very richly-earned tribute.

Sir, I beg to second.

Question proposed.

THE SPEAKER: I would like to add that this Motion has a strong flavour of a financial Resolution and I think on future occasions I shall treat any similar Motion as such.

MR. MATHU: Mr. Speaker, Sir, I would like first of all to associate myself with the tribute paid to the African teachers by the Minister for Education. I think he put it exactly as any person, who knows what these teachers have done, would have put it, and I am very thankful to him, Sir, that he has done it in such a sincere way as he has done this afternoon.

Now, Sir, I am not going to oppose this Motion, but I am going to mention briefly some problems which this Motion raises. It is five years now, Sir, since the Beecher Committee reported, and within that time we have seen many changes not only in the teaching services, but in the public service of the Colony generally. There have been the Lidbury recommendations, which have revolutionized a number of aspects of the public service and the teacher, particularly in the Government schools, has been affected by these changes.

I was, Sir, a signatory to the Beecher Committee Report and members of that committee argued days in and days out over this question of pensions.

The Holmes recommendations had brought to the African civil servant from the provident fund schemes, the free pensions; and, at that time, my argument against the contributory pension scheme in discussions in the committee was based on the very fact that it would be undesirable to divide the public services into two compartments, as far as their recurring benefits were concerned. That is one section where the African civil servants would enjoy free pensions on retirement, and another section would enjoy a contributory pension on retirement, and I, at that time, thought that it was not healthy that that position should obtain.

[Mr. Mathu]

Now, however, by a majority I compromise to agree that the contributory pension scheme for Africans in aided schools, the very Resolution—the recommendation—that my hon. friend, the Director of Education, mentioned teachers in aided schools. Now that was, Sir, I recollect very clearly a compromise in that those teachers who want to join the service in the aided schools will know in advance that they are going to contribute to their pensions, but those who choose the service in Government schools will join, like other public servants, the free pension scheme.

Now, Sir, the effect of the Resolution which is before us is that all teachers, it seems to me, will come under the free contributory pension scheme. Now at the present moment, Sir, we have teachers in Government schools. These will still enjoy free pensions when they retire. I understand the position is that they will be given the option either to remain on their free pension scheme arrangements, or they can opt to the scheme which is arranged here. If I am wrong, Sir, no doubt the Government speaker will put me right on that one.

Now if that is the intention, Sir, I should say that at any rate it will be departing from the spirit of the recommendation which is the basis of this Motion because that recommendation only dealt with teachers in aided schools, and my suggestion, Sir, is this, that the teachers in Government schools now should remain under the free pension scheme and even those who join Government service as teachers as from 1st January, 1955; up to 1st January, 1956, should also continue, should follow the recent arrangement of all teachers and other civil servants in the Government, and that is to enjoy free pensions on their retirement.

I personally, Sir, think that there will be some difficulty which may have to be experienced later if what I construe from this Motion is correct, namely that teachers who join Government service as from next year will have to contribute to their pension and in the same service there will be teachers who, when they retire, earn a free pension. That in my view, Sir, will perhaps injure the morale of those teachers who join the Government service at the present

moment and which, in fact, may be a serious anomaly in the future.

Now that is one difficulty, as I see it; there is also another difficulty which is raised by this Motion, and that is the question of recruitment. I think, Sir, that if I understand this aright, that you find in our secondary schools, and perhaps in Makerere also, you find young people preferring to join other sections of the Government service, rather than joining the teaching profession, which in their point of view will appear that it is going to be penalised by a contributory pension scheme, when other members of the Civil Service will enjoy on retirement a free pension.

Well, Sir, I simply do not understand actuarial regulations at all. I simply do not understand them, but I am informed by one of my colleagues, who has been in Government service for a long time and knows all these things, that in the provident fund schemes and pension schemes and so on, that in effect if you have two teachers on the same terms of service, one serving in aided schools contributing to his pension and another in a Government school waiting for a free pension when he retires, the salary of the one who contributes in cash at the end of the month is less than the salary of the one who is going to enjoy a free pension. Here again, Sir, I say I stand to correction. Not only that, but at the end of it all, or if they retire at the same time, they will enjoy the same amount of pension; one has contributed to his pension and the other one has not. There again I say I stand corrected, but that is what I have been informed, and have been advised that it is the position. If that is even so, Sir, I still think that the anomaly is greater, and some of the teachers, at any rate most of the teachers who will be contributing, will feel some injustice has been done to them. Therefore, Sir, as I say, teachers would prefer, or attempt, in the first instance, to join one or other Government service in any department rather than that of the Education Department; and if that is the case, Sir, I think we shall lose the cream of our trained and educated men and women in the teaching service.

Now there is a further problem, Sir, which I see as far as recruitment is concerned, and that is that under the Lid-

[Mr. Mathu]

bury recommendations this Council has accepted that men and women of similar qualifications and all the other *desiderata* who may have, for instance, a university training in Britain, irrespective of their colour and skin, will enjoy the same salary except that there will be that element of inducement there for one who has his home elsewhere and not in this Colony.

Now, Sir, I personally think that such men who have been very highly trained in the United Kingdom, when they come out—I should like the Director, in his reply, to say whether the Secretary of State's projected committee, which will advise about the choosing and selecting of candidates, how that will affect, be affected by the Motion before this Council to-day, because I do think, Sir, that if two Europeans, for the sake of this argument, and an African with similar qualifications should come and teach in the one school, one will have a free pension and the other will have a contributory pension. I can see some racial arguments, Sir, being put forward by the African saying, "Now everything is the same. Now I contribute to my pension, but my colleague who is teaching in the same school will enjoy a free pension"; and I can see therefore a racial battle later coming as a result of this differentiation. Not only that, Sir, but the Asian teachers will not pay half the contributory pension scheme. They will be enjoying free pensions so that the African will say, "Now why is this? Europeans have free pensions; Asians have free pensions; Arabs have free pensions; Africans have contributory pensions". You can see the strong argument by the Africans when there is such a tremendous difference.

If I may say so, Sir, in 1950 we had not breached the gap of our racial differences. In 1955 they are coming closer together. We now have a Lyttelton plan with a multi-racial Government, and that argument will be even stronger therefore with the present Motion than it would have been in 1950, and I suggest, Sir, to the hon. Mover that I can see a red light moving in that direction and I think he should be aware of it.

Now, Sir, should like to ask the hon. Mover, to tell this Council whether in fact he has consulted with the teachers

who are going to be affected by this scheme. My information is that, in fact, there are very few teachers who know these things are being done, and if we are going to impose a system like this on a body of very important professional men and women without their expressing their own views beforehand, I think there will be even stronger opposition when they realize what is going to happen and they will say we never consulted them. I should like him to assure us whether any steps have been taken along those lines.

While I am on that one I should like him also, if he may, to tell us the composition of the African Teachers Service Board, because I suppose that will be the body that will have considered these matters before they come here, and I want to be assured very plainly that there is a very strong representation of African teachers on that Board.

Now, Sir, there is a further point I should like to mention while on this question of consultation. It is that the Beecher Committee recommended that teachers, African teachers, should be encouraged to form their own Association, so that matters that affect themselves, or affect the education of the African community here, can be discussed. There is a specific recommendation on that issue and I should like, Sir, to know whether the hon. Mover would tell us how far this department has encouraged teachers to form an organization of their own, because I do feel that it will be in the interests of his own department that teachers be given an opportunity to express their views on matters such as these, so that they can be a part and parcel of the whole organization of the development of African education in this Colony.

Now, Sir, what I am thinking—I am thinking in terms of something similar like the National Union of Teachers in the United Kingdom, which, as you know, plays a very important part in influencing the trend of development of education in the United Kingdom, and it is something along those lines, Sir, that I am asking him what he has done, or his department has done, to encourage African teachers to have such a body so that they can consult them. Well, he will perhaps say it is the Advisory Council on African Education who will perhaps

[Mr. Mathu]

quote the Teachers Service Board, but that I do not think is sufficient, because you can only have a few representatives. It is a body of teachers who will follow their profession and see they keep up the discipline and the dignity of the profession, as he quoted in his speech.

Now, Sir, although, as I say, I am not going to oppose this Motion, I think I have been a bit critical of the implications and possible problems that the Motion raises, and I do suggest, Sir, that the Government should be absolutely certain that the problems, some of the problems I am opposing as a result of this Motion, will be overcome, and my suggestion, Sir, is just one that the teachers who should come on this scheme if they agree to it, should be the educated teachers in aided schools. Teachers in Government schools and those who joined in Government schools later should, like all members of the public service, enjoy free pensions on their retirement.

Mr. Speaker, Sir, I beg to support this Motion.

MR. MACKENZIE: Mr. Speaker, Sir, in rising to support this Motion, I must agree with my hon. friend who has just spoken that there have been very great changes since 1950. One of those changes has been that in the 1950 Expenditure Accounts, grants-in-aid to African schools was £165,000. In this year the sum is approximately £1,300,000. Those, Sir, are very great changes and I think that they show how rapidly the provision for African education is rising and how wise the Beecher Committee, of which the hon. Member was a very distinguished member, how wise they were, Sir, in sticking to the contributory principle in so far as these pensions are concerned. As it is, Sir, the total annual provision from Government funds, which will be required to meet the Government's obligations when this scheme comes into force, the total annual recurrent provision will be something of the order of £100,000, given a teaching service of the present size. And, of course, that service is likely to rise in numbers as the years go by. If the increase is anything like what it has been in the past, the total contributions which will have to be made from public funds

to keep this scheme going will rise accordingly.

Then, Sir, there is in addition to this, the lump sum, or, alternatively, the annuity, whichever it is decided to have, which will have to be paid in respect of previous service. We all know, Sir, that that was about £125,000 in 1950 and, as my hon. friend, the Director of Education, has said, we all know that it will be a considerably larger sum to-day. What we cannot say exactly is what that sum will be, but it is possible to provide it on an annuity basis instead of a lump sum. I think that that is almost certainly the line that will be taken. By doing so, it will be possible to avoid having to provide an unnecessarily large sum of money at a time when the Colony's Exchequer is, as everybody is aware, somewhat low in funds and yet to enable the scheme to come into operation. I am quite satisfied if that is done, Sir, that the Colony can afford this scheme and, in any case, having agreed to provide some form of security for members of the African Teaching Service it is a commitment which we must be prepared to face.

Now, Sir, to deal with one or two of the points that were made by my hon. friend, the African Representative Member, Mr. Mathu, I cannot agree that there is anything particularly wrong in the decision that as from the date on which this scheme comes into operation, some teachers in Government schools—that is, those who have been engaged on the condition that they are entitled to free pensions—should continue to enjoy that privilege whilst the others—those who are appointed as from 1st January—do not. Surely, Sir, the position is that people who join the teaching profession do so because they have a vocation for teaching and, in those circumstances, I would have thought that it was far better to treat all teachers similarly except for those with vested rights, rather than that we should have the teachers in Government schools separated from those in the aided schools. I think it would be very wrong to do anything of that kind, Sir, because what would happen then would be that there would be a strong tendency for all teachers in aided schools to drift away into the Government schools on the grounds that they could get free pensions there. I do not think that that sort

[Mr. Mackenzie] of division in a service such as the teaching service is desirable.

Apart from that, Sir, there is the further point that in most countries it has never been the practice to regard the teaching profession as members of the Civil Service and I think that it is a most excellent move that we now should be seeking no longer to regard them as such here.

I think that my hon. friend the Director of Education, when he replies, will deal with most of the other points which were made by the last speaker, but there is one final point which I would like to make and that is that he said that the Asian teachers, the European teachers and the Arab teachers all enjoyed free pensions and why should the Africans only be treated differently. Well, Sir, I agree that that is a perfectly fair comment and I am quite sure that my hon. friend will be quite prepared to give full consideration to the implications of that and to the possibility of placing the teachers of other races on the same basis as are the African teachers if that can be practicably achieved.

Sir, I beg to support.

MR. CHANAN SINGH: Mr. Speaker, Sir, there are one or two points which arise from the speech we have just heard. I would like to know what proportion of the 6,000 teachers who are affected by this scheme are in Government service? I also would like to know whether the Education Department has given consideration to the question of keeping out of this scheme those teachers who are in Government service?

Then, Sir, there is the other point of transfers that may take place in future. The existing staff can be allowed to remain as civil servants but in future all teachers, whether in Government schools or in private schools, will be members of a unified service. Suppose some teachers are promoted as inspectors, or as other senior officers in the Education Department? Presumably then they will come on to a free pension scheme and their contributions will be refunded. So far as this regulation concerns teachers in private service, I think it deserves wholehearted support, and I give it my support, but I think the position of

teachers in Government service does need further consideration.

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

MR. WADLEY: Mr. Speaker, Sir, I am grateful to the hon. African Representative Member, Mr. Mathu, for drawing my attention to what he considers a number of dangers and difficulties. I should like to say to the hon. Member that ever since I have been in Kenya I have been confronted continuously with dangers and difficulties of this kind. I can assure him, however, that familiarity has not bred contempt and that I shall do my best to see that such dangers and difficulties as he has mentioned are minimised.

In the first place, I think the most important point he raised was as to whether, in formulating the Motion before the Council and the regulations which will be applied when this pension scheme comes into operation, the African teachers themselves have been consulted. The answer to that, Sir, is yes they have at all stages and I think perhaps the best thing I can do in this connection is to answer his further question as to what is the composition of the African Teachers Service Board at the present moment.

Now, the hon. Member will remember that when the African Teachers Service Bill was being discussed in this Council, he professed dissatisfaction with the representation of African teachers originally proposed, and that it was in answer to the representations which he then made, that Government agreed I think it was to double the representation of African teachers from two to four, consequently on the Board at the moment there are four representatives of the African teaching profession. There are also two members representing the managers of schools, two members representing local government authorities, who are also Africans, and two members representing the Government of Kenya. I trust that with that representation the hon. Member is entirely satisfied.

Now, Sir, the next most important criticism which the hon. Member made, was in regard to the recommendation of the Beecher Committee that this pension scheme should be confined to teachers

[Mr. Wadley] in aided schools, and he argued that since that was the recommendation of the committee, then now the pension scheme should be applied to teachers in aided schools and not to teachers in Government schools. Well, Sir, the recommendation of the Beecher Committee, which I quoted, must be read in conjunction with other recommendations made by that same Committee and, indeed, with the other recommendation which I quoted which was that the unified teaching service should provide the same general rules, discipline, professional conduct, terms and conditions of service for everybody. If you are going to have two sets of teachers as he now envisages, then, of course, it is not possible to provide uniform terms of service. I would remind him of the other recommendations in the Beecher Report that henceforward teachers cease to be civil servants and become the employees of the school managers or the Boards of Governors of the schools in which they teach. Further, that teachers who elect to transfer to the new terms and conditions of service, be enabled to do so, but the Government teachers who elect to retain their present status in the Civil Service, be seconded to the school managers or Boards of Governors concerned. In amplification of those recommendations, the Beecher Committee expressed the view that it is now generally accepted that teachers ought not to be civil servants. That is, as my hon. friend, the Secretary to the Treasury has pointed out, that it is the policy of the Government in regard to African schools. As the hon. Member knows, the only African Government primary schools which now remain are a few very small ones in the Northern Province. African intermediate schools are being handed over to District Education Board Management in increasing numbers and, further, again in conformity with the policy expressed in the Beecher Report, it is the intention that teacher-training colleges and secondary schools shall be placed under Boards of Governors. It must be explained that when it said that there should be a pension scheme for teachers in aided schools, the Beecher Committee had it in mind that before long there would be no schools other than aided schools.

The hon. Member, Sir, expressed dissatisfaction that there should be two sets of people on two sets of terms of service. I must remind hon. Members that of the whole teaching body of African teachers, not more than about 4 per cent are employed by the Government and that number is rapidly being reduced and that the other 95 to 96 per cent are employed either by District Education Boards or by the various voluntary agencies. Of course, if a free pension were to be provided for this very large number of teachers, then obviously there would be an enormous financial commitment which would mean probably that educational facilities would have to be curtailed or that salaries would have to be reduced.

I must point out, too, that, under this new proposal, the vast majority of African teachers will benefit very considerably. As I mentioned in the end of my speech in proposing this Motion, the teachers employed by the Missions are employed under a variety of provident fund schemes which provide varying benefits; none of them greater, and few as good as those proposed under the new pension scheme. Furthermore, if a teacher employed by any one voluntary agency is dismissed or leaves that agency, then of course his service under the provident fund scheme is not continuous and he has to start afresh with a new employer. All that is obviated by the proposal now before the Council.

The same hon. Member suggested that because of this differentiation between the teaching profession and other professions in Kenya, there would be strong competition from other forms of employment which would work adversely and to the detriment of the teaching profession. My comment there, Sir, is that the conditions at the moment are even more unequal and that, as I have already pointed out, 96 per cent of the teachers in Kenya are on far inferior terms of service. People with the same qualifications may be employed in Government posts with a free pension, but, nevertheless, the teaching service continues, its recruitment is reasonably satisfactory and I am very glad to say, as my hon. friend, the Secretary to the Treasury has pointed out, that not all people are actuated purely by financial motives and a very large number of African men and

[Mr. Wadley] women join the teaching profession because they have a strong sense of vocation and particularly want to do that type of work. I really do not think that we need worry on that particular account.

Another point which the same hon. Member raised was in connexion with the Secretary of State's Projection Committee in Kenya and how the system of dealing with appointments through that Committee would be affected by the Motion now before the Council. Here, Sir, I should like to say that I can see no reason whatever why an African should not be appointed by that Committee in the same way as anyone else. A similar point was made by the hon. Member for Central Electoral Area when he asked what would be the position of teachers who might be appointed to inspectural and supervisory posts.

The answer is that any officer, of whatever race, who is appointed to an administrative, supervisory or inspectorial post permanently, would of course be appointed to Government service and would then enjoy a free pension.

Another point which the hon. African Representative Member, Mr. Mathu, made, was that those men who would return from the United Kingdom might find themselves in schools with Europeans, the one on one set of terms of service and the other on another, and this was bound to cause friction. Well, Sir, in the case of an aided school they would both be in precisely the same position, and such a position as he envisages could only arise with African teachers employed in Government schools—and here I must refer to and amplify what my hon. friend, the Secretary to the Treasury, said, namely that this question of a unified service for European and Asian teachers will certainly be given consideration.

• There is one final point, Sir, which I should like to make and that is in reply to the hon. African Representative Member, Mr. Mathu's query about the setting up of an African Teachers' Association. I remember that the hon. Member made the same point when we were debating the African Teachers Service Bill. Since that time, Sir, my department has given very careful consideration to this whole

problem and it is, indeed, very anxious that an effective African Teachers' Association should be established. It went to great trouble to examine the various associations now in existence, but these are of so amorphous and really ineffective a nature that I do not think there is anything on which we can build up one central efficient organization. We have come to the conclusion that the best method of tackling this matter would probably be to have a suitable man trained by a period of secondment to the National Union of Teachers in the United Kingdom, so that on his return he might come back and be the executive officer of such an organization. This matter is receiving consideration in connexion with the next Estimate.

Sir, I beg to move.

The question was put and carried.

MOTION

EAST AFRICAN INDUSTRIAL LICENSING ORDINANCE, 1953—AMENDMENT TO SCHEDULE

THE MINISTER FOR COMMERCE AND INDUSTRY: Mr. Speaker, Sir, I beg to move the following Motion:—

BE IT RESOLVED: His Excellency the Governor, having been advised by the East African Industrial Council that, in accordance with section 5 (2) of the East African Industrial Licensing Ordinance, 1953, the following item should be added to the First Schedule to the Ordinance, this Council, being mindful of the desirability of balanced industrial development, hereby resolves that the First Schedule be amended accordingly, with effect from the 1st November, 1955:—

Enamel holloware, that is to say, basins, plates and domestic utensils made from ferrous or non-ferrous metal and having an enamel coating over the whole or the majority of the article.

Mr. Speaker, apropos of the Motion standing in my name, which I believe is self-explanatory, I should however mention that the term "domestic utensil" in the proposed addition to the Schedule is meant in the general, rather than in the particular.

Having said that, Sir, I would refer to the need of the East African territories

[The Minister for Commerce and Industry] and that, Sir, is why, in Uganda, the addition has already been made to the Schedule, because I understand that the factory to manufacture these articles is soon to be started. I also understand that further far-seeing entrepreneurs, visualizing the illimitable market in this territory, are also considering starting a similar factory in Mombasa. That, Sir, is why I am asking this Council to add this to the Schedule.

As far as Tanganyika is concerned, I understand they will be introducing a similar Motion in a very short time.

I do not feel, Sir, that it is necessary for me to add anything to the words that I have said in commending this Motion.

I beg to move.

THE MINISTER FOR LEGAL AFFAIRS seconded:

Question proposed.

THE SPEAKER: No hon. Member wishing to speak, I will put the question.

The question was put and carried.

MOTION

CENTRAL LEGISLATIVE ASSEMBLY—CONTINUATION OF

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

WHEREAS Article 3 of the East Africa (High Commission) Orders in Council, 1947 to 1953, provides that Parts III and IV of that Order (which relate to the Central Legislative Assembly of the High Commission and to the Legislation and Legislative Procedure) shall continue in operation until 31st December, 1955, and shall then cease to have effect.

BE IT THEREFORE RESOLVED that this Council prays that Her Majesty be pleased to amend the said Orders in Council so as to provide for the continuance in operation of Parts III and IV of the said Orders for a further period of four years from 1st January, 1956.

This Motion, Sir, is similar to that which was passed by this Council in May, 1951. Its purpose is to give a fur-

ther lease of life to the Central Legislative Assembly. Although I am anxious to be as brief as possible and although I think it most unlikely there will be any opposition to this Motion, I feel I should make a brief mention of the constitutional position of the Assembly and its relationship to the High Commission.

The East Africa (High Commission) Order in Council, 1947, brought into force the High Commission and at the same time established the Central Assembly. The High Commission was established on a permanent basis, but the Order in Council gave the Central Assembly an initial life of four years only. The understanding was that if the Secretary of State was satisfied that each one of the territories wished for a renewal of this term, the Order in Council would be amended to provide for the continued existence of the Assembly. The first period of four years ran until the 31st December, 1951, and in the middle of that year Motions were passed in the three Legislative Councils of the East African territories praying for the continuation of the life of the Assembly until the end of December this year.

That period has now nearly elapsed and unless it is renewed the Central Assembly will cease to exist. If, therefore, we are to preserve the life of this body, we must make provision for a third period of four years. The Legislatures of Tanganyika and Uganda have already passed Resolutions to this end, praying that Parts III and IV of the Order in Council may continue in operation until the end of 1959.

The High Commission is the executive part of the machinery which was set up by the Order in Council. It exercises its executive functions by acting as a kind of directorate for those services which operate on an interterritorial basis and by administering the legislation which is enacted by the Central Assembly. The Central Assembly is a kind of interterritorial Legislative Council, but a Council whose powers and responsibilities are limited to that range of subjects which, by common agreement, have been brought within the ambit of the High Commission. These subjects, as hon. Members will know, are set out in the Third Schedule to the Order in Council.

[The Chief Secretary]

The functions of the Assembly were admirably described in an article which appeared last week in the *Kenya Weekly News*, and with your permission, Sir, I should like to quote from one paragraph. "The Assembly is, in effect, the Parliament of the common services. It is the means of bringing influence and authority to bear on the administration and development by each of the countries which they serve. It has every reason to regard its eight years of service to East Africa with satisfaction. It has provided a forum for debate and compromise and for the settlement of disagreement by the only truly democratic device of the votes of responsible representatives of the parties. It has established the Parliamentary right of the parties to full information about every aspect of the public business for which the High Commission is responsible. It has discharged its functions with expedition, good sense, dignity and as much publicity as the Press has cared to give it and the public has been interested to receive. It has seen to it that the principal executive officers of the High Commission, like ministers in a more advanced form of government, are responsible to the Legislature for the conduct of the public business. It has attracted some of the ablest and most trusted leaders of the region to its service. It has achieved within its membership personal relations of confidence, courtesy and good will."

I do not think any hon. Member, Sir, will question the importance of the role which is played by the Central Assembly or the need to continue to maintain interterritorial co-operation in matters such as trade, transport, communications and research. I do not, therefore, propose to adduce additional arguments designed to convince hon. Members of the need to agree the extension of the life of the Assembly. Indeed, I feel certain that there is nobody on either side of this Council who is not convinced that this is the proper and sensible course to adopt. There are, however, a number of issues likely to be raised which turn, not upon whether there should be an Assembly, but upon the steps which should be taken to make certain that the Assembly is as effective as it can

possibly be and to give it a more representative character.

First, the question of the membership of the Assembly. The East Africa (High Commission) Order in Council requires that the Assembly shall consist of a Speaker, seven *ex officio* Members—that is to say, the officers of the High Commission—three Nominated Official Members from the various territories and 13 Unofficial Members. The 13 Unofficial Members comprise four from each territory and one Arab, appointed on an interterritorial basis. Kenya's membership, as hon. Members will be aware, consists of one Nominated Official Member, my hon. friend the Minister for Finance, and three Unofficial Members, one European, one Asian, and one African, and one Official Member, who occupies a rather unusual position in that the only condition concerning his appointment is that he must not be a Government servant but must be eligible for election to this Council. I should like to mention here, Sir, how much we owe to these five Members. They have done invaluable work, both for the Colony and for the High Commission.

Now there appears, Sir, to be a feeling that the present arrangement for membership of the Assembly is not such as to give that body the art and scope that it needs to continue to play its proper part in East African affairs, and that the time has now come to increase both Official and Unofficial membership and to devise a more direct connexion between the Assembly and the territorial Legislatures. In a debate on a Motion similar to this in the Tanganyika Legislature earlier this year, one Member suggested that instead of one Official and three Unofficial representatives from each territory, there should be two Official and six Unofficial representatives from each territory; this view seemed to meet with general approbation. In Uganda similar views were expressed, and in winding up the debate in the Uganda Legislature, the Attorney General said: "It has been suggested with some point that the Assembly is not an Assembly whose constitution is up to date; there is nothing sacred about the number 23, which is the number of Members in the Assembly; if the three territories agree and the Secretary of

[The Chief Secretary]

State agrees, that number can be changed, and I am authorized to say that consideration will be given, in conjunction with the other territories, to see if some change in the constitution of the Assembly can be made". He went on to give an undertaking that consultation would take place to see if it were possible to change the constitution of the Central Assembly in order to increase its membership.

Sir, the Government of this Colony welcomed this proposal and will be most happy to take part in these consultations. I understand that an invitation has already been issued to us to do so.

The second matter concerns the extension to the existing Schedule of subjects in connexion with which the High Commission, with the advice and consent of the Central Assembly, is empowered to enact legislation. Section 45 of the Order in Council lays it down that the High Commission may, with the approval of the Legislative Councils of the territories and with the consent of the Secretary of State, add to the list of subjects set out in the Third Schedule to the Ordinance. There are, in addition, a number of safeguards laid down in the Order in Council, which I think it not necessary to repeat.

Views have been expressed in this Council on a number of occasions about the desirability of bringing within the scope of the Third Schedule a number of matters such as company law, the law relating to bankruptcy and designs and so on. Indeed, it has been said it is not only undesirable that these matters should be controlled by three Ordinances from three neighbouring territories, but that it is completely nonsensical. But, Sir, important though it may be to bring such matters within the scope of the High Commission, it is even more important to maintain the principle that no pressure should be exerted on any territory by any other territory and this Government is content to go on treading water until the need for an extension to the Schedule has become apparent in the neighbouring territories. It would be wrong for us to attempt to impose our views on the other territories and we feel that the proper course is to wait until

the actual turn of events in Tanganyika and Uganda, and not the very cogent arguments adduced in Kenya, convince these territories of the need for change.

The last of these related issues concerns the need of the High Commission to be able to raise sufficient revenue on its own account to finance what are known as the non-self-contained services. Here again, the Government of Kenya would be happy to take part in any consultations that may be initiated by the other territories, but we are chary of sponsoring these discussions ourselves.

Sir, I grieve to say there is a tendency in other parts of East Africa to regard Kenya as the rather aggressive member of the family, who tends to try to achieve his own ends with a complete disregard for the dignity and independence of the other members. Now, Sir, we are most anxious to dispel this entirely false impression and for this reason we do not propose to take the lead in initiating discussions on this matter or on the matter of the extension of the functions assigned to the Assembly. Our first care must be to keep in step with the other territories. It is only by an accommodation of this sort that we can ensure a steady, harmonious development of the machinery of the High Commission.

Sir, I beg to move.

THE MINISTER FOR LEGAL AFFAIRS
seconded.

Question proposed.

MR. HARRIS: Mr. Speaker, Sir, in supporting this Motion I regret that we are only envisaging a renewal of the old Central Assembly. Ever since I have been a member of this Council I have taken every opportunity to suggest that there— at continuous stages—was the time to think about what kind of Central Assembly we wanted in 1956. Unfortunately we have got to November, 1955, before we get down to concrete proposals.

Now, Sir, I am very conscious of those delicate matters which the Chief Secretary dealt with so lightly, which have prohibited any real extension in either the powers or the activities of the Central Assembly. I have made a note of some of them. He almost shot the ground from under my feet by saying he agrees

[Mr. Harris] entirely with what I was going to say, but there are other things I have mentioned from time to time, and as the Assembly is now being renewed—or I hope it is—this seems to be the right opportunity, once again to reiterate those matters which I feel we must get down to before we make the Central Assembly what we thought the Central Assembly was going to be in 1948.

I have appealed before that we should try and get back to the original ideal behind the conception of the Central Assembly. It was an ideal of an economic union of the territories of East Africa. We seem to have got very little economics and even less union so far in the last eight years.

One of the fundamentals, Sir, which I think should receive our attention, is the status of the Administrator. I have always believed that as the head of the non-self-contained services, he should be given a status very much greater than has been his status in the past. I believe his job in co-ordinating those services and being not only the head but the public relations man and the fountain-head of those services—he should have a status far greater than he has so far enjoyed. I believe there is a move afoot, Sir, that he will be delegated certain powers from the Chairman of the High Commission. That, I believe, is a step in the right direction, but I still think that he should, in fact, be the Chairman of the triumvirate of Executive Officers and should rank at any rate equal with gubernatorial office. The Chief Secretary, Sir, mentioned the question of—I see the Minister for Agriculture, Sir, is not quite sure of my English; the word is right. If necessary I will call on the Director of Education to adjudicate on this matter.

The Chief Secretary, Sir, touched on the question of giving greater financial autonomy to the Central Assembly. I have always believed that the Central Assembly must have some proportion of its money, anyway, which is outside the control of the three Legislatures. At the moment the Central Assembly can do nothing without coming cap in hand to the three territorial Legislatures. If anything has to happen in a hurry, any one of the territorial Legislatures can keep

up a wrangle that may go on for months and months; if necessary, if you are going to have a Central Assembly, for heaven's sake make it a real one and not merely a spending agent for the three territorial Legislatures, which over the last four years have not shown that they always see eye to eye on matters of expenditure.

ADJOURNMENT

THE SPEAKER: The time appointed for interruption of business having arrived, Council will adjourn until 2.30 p.m. to-morrow, the 2nd of November.

Council rose at fifteen minutes past six o'clock.

Wednesday, 2nd November, 1955

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

[Mr. Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:—

Sessional Paper No. 13/55, Guarantee of Excess of Loans Made by Building Societies for House Purchase.

(BY THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING)

ORAL NOTICES OF MOTIONS

POLICY CONCERNING CAPTURED AND SURRENDERED TERRORISTS

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

BE IT RESOLVED that, in the opinion of this Council, it is essential that a consistent policy, both immediate and long-term, concerning terrorists who have been captured or have surrendered, be published; and that all possible steps be taken to ensure that such policy is fully implemented.

GUARANTEE OF BUILDING SOCIETY ADVANCES

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

WHEREAS under existing conditions the amount which building societies will advance for the acquisition or building of houses is normally limited to a percentage of the assessed value of the property;

AND WHEREAS it is considered desirable that such percentage be increased so as to assist members of the public more easily to build or acquire houses;

BE IT RESOLVED that the proposals contained in Sessional Paper No. 13 of 1955, designed to increase borrowing facilities from building societies for the acquisition or construction of houses, be approved.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 1

LT.-COL. MCCALL (on behalf of Mr. Letcher) asked the Minister for Agriculture, Animal Husbandry and Water Resources:—

- (1) Whether it is a fact that immature steers and female stock are being slaughtered by the Veterinary Department in the Kitui area?
- (2) What facilities exist for buying stock from Kitui by those wishing to do so?
- (3) Whether it is the policy of Government to preserve immature stock and make it available to African and European farmers who have the necessary grazing to finish off such stock?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: (1) Owing to prolonged drought, overstocking and the successful combined efforts of Administrative and departmental officers, the African Livestock Marketing Section of the Veterinary Department has been able to purchase in Kitui district during the last two months over 4,000 head of African-owned cattle for slaughter. Buying is still proceeding at this rate. The cattle are moved to Athi River, not slaughtered in Kitui district.

The majority of these cattle have been in very poor condition owing to drought. As is usual under drought conditions, the African has disposed of numbers of immature animals which have less chance of survival than adult stock under severe conditions. It was necessary to dispose of these cattle before they died from poor condition.

A number of the best animals purchased have been retained by the department for some weeks in an attempt to get them into condition for disposal for fattening or breeding, after safeguarding for disease. Some will shortly be available for sale to the public. Unfortunately, most were in such poor condition when purchased that losses have been high. The immature animals on offer from Kitui have been of a very poor type.

(2) Kitui cattle have been purchased by auction at sale yards in the district. The advice of the Director of Veterinary

[The Minister for Agriculture, Animal Husbandry and Water Resources] Service is that it would be unsafe for the public to purchase at the sales immature animals for immediate removal to other areas for fattening or breeding, owing to the dangers of stock disease.

(3) Yes, Sir. This policy is being actively pursued by the African Livestock Marketing Section of the Veterinary Department. Animals purchased are detained in quarantine, tested for pleuropneumonia, inoculated against anthrax, blackquarter and rinderpest, and resold to the public in numbers which are limited only by supplies, available grazing in quarantine areas, and disease considerations. Over 6,000 head of immature steers have been sold to farmers by the Veterinary Department since the 1st January, 1955.

QUESTION NO. 22

MR. COOKE asked the Minister for Agriculture, Animal Husbandry and Water Resources to state:—

Whose responsibility is the design of the recently completed building of the European Settlement Board in Connaught Road?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: The European Agricultural Settlement Board.

MR. COOKE: Arising out of that answer, does the hon. gentleman intend to take any disciplinary action against the architects of such a monstrosity?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Sir, whether the building is a monstrosity or not is a matter of opinion, but the European Agricultural Settlement Board acted in the greatest propriety. They were advised in this matter by a firm of practising architects and the design was approved by the Nairobi City Council, which is advised in such matters by a panel of architects appointed by the Council for this purpose.

MR. MATHU: Arising out of that reply, Sir, would the hon. Member say whether those people who have aesthetic sense beyond those to whom sanction was given for the erection of the build-

ing would, after viewing the building, decide to settle here?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Speaker, I would reply as follows—beauty lies in the eyes of the beholder.

MR. CROSSKILL: Mr. Speaker, arising out of that last reply, would the Minister issue a planting order for creepers?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Speaker, I will give consideration to the proposal.

MOTION

CONTINUATION OF THE CENTRAL LEGISLATIVE ASSEMBLY

Debate resumed

MR. HARRIS: Mr. Speaker, Sir, when the adjournment arrived last night, I was discussing the desirability of the Central Legislative Assembly having at its disposal finances of its own. By making that suggestion, I did not intend to imply that there should be any right of the Central Legislative Assembly, at any rate at this stage, to raise its own taxation, or to impose its own taxation. I think that has been made clear as the policy of both sides of this Council ever since the High Commission, the Central Assembly, was set up. But, Sir, I think it is generally agreed that the services, the non-self-contained services, provided by the High Commission are cheap at the price. They are very much cheaper than they would be if each territory provided their own services for the same object. That being so, it has always seemed to me that there should be some method whereby, either by hypothecation or other means, the Central Legislative Assembly should within present limits be able to dispose of the money between those services at its own discretion. I believe that much of the criticism of the present Central Assembly would fall away if it could have the realism of disposing of its own finances. If one considers, Sir, the somewhat acrimonious, at any rate interesting, debates, held in this Council, it is usually on the question of expenditure and I believe a lot of the unrealism of the Central Legislative Assembly, which most of us criticize, is due to the fact that in

[Mr. Harris] financial matters they are merely agents for the three territorial legislatures.

It has been estimated, Sir, that 12½ per cent of the present revenue from customs duties would just about satisfy the present requirements of the Central Legislative Assembly Budget. This would have, Sir, another great advantage in that it would ensure common customs rates throughout the three territories. There has been a tendency, in the last two or three years, to get away from these common rates which were originally agreed, and if we could agree a common rate of duty, import duty, on all items in the tariff and then if any territory, for a particular purpose of its own, had to raise additional revenue—such as the Emergency in Kenya—and if the Minister for Finance wished to put up the customs duty on motor-cars, then still the Central Legislative Assembly would have at its disposal the 12½ per cent, or whatever proportion was arranged, of the standard rate of customs duty.

The Chief Secretary, Sir, in opening this debate, mentioned both the size and the composition of the present Legislative Assembly which we know has been touched on in similar debates as this one in the other territorial legislatures. It was pleasant to hear him say, Sir, that it was the Kenya Government's policy to agree in principle to consideration of both the size and the composition. Might I recommend to him that he should use his influence to see also that the question of the method of election or nomination to the Central Legislative Assembly of Unofficials, should also come under consideration.

As you know, Sir, in Kenya the Unofficial Members of the Central Legislative Assembly are, at any rate theoretically, responsible to an indirect electorate. They are elected by various sections of this Council and it is therefore possible for those sections to bring to their representative in the Legislative Assembly matters concerning that Assembly.

In the other territories, however, Sir, it seems to me that there is a much more direct nomination than there is in Kenya and the result is that in fact all the Official and Unofficial Members in the Central Legislative Assembly, representing either Uganda or Tanganyika, are far

more subject to fall into line with accepted territorial Government policy than are the more independent members representing Kenya. I, believe, Sir, that there again if we could get a more independent outlook by some of the Unofficial Members representing the other territories, there would be far greater liveliness and realism in debates of the Assembly.

The Chief Secretary, Sir, also mentioned the present scope of the Central Assembly to deal with those items listed in Schedule 3. It is old history, Sir, that this Council has asked for an increase in those services but unfortunately the other territories have not yet seen fit to agree with our ideas of an extension of services. I do appreciate what the Chief Secretary said, that it must be by common consent and that there can be no suggestion that we are in any way bringing pressure to bear. This debate, Sir, is no time for interterritorial recrimination, but I do feel that an opportunity should be taken of just mentioning one of the remarks that was made in the Uganda legislature during a similar debate. That was made by a Representative Member, Mr. Bamuta, who was quoted as saying "that the trouble we have here is that we are near Kenya. If we were 20,000 miles away, we would be happy". Well, Sir, I picked this one out because we have always tried to maintain that the reason we need an extension to the Assembly and the "High Commission" is that we believe that there should be very much closer economic and social and economic association between the East African territories. But, Sir, this expression of Mr. Bamuta's is an excellent example of the way that muddled political thought can overcloud economic sense. I went to another High Commission Service this morning, Sir, the Railway and they kindly worked out for me exactly what the freight rate would be on Uganda cotton if Mombasa were 25,000 miles away. At the moment the freight rate is Sh. 103/04 cents per ton from Kampala to Kilindi and it would be £103 per ton if Mombasa were, in fact, 10,000 miles away from Kampala. I wonder, Sir, how much cotton Uganda would sell in the world market if it started off with a £103 freight rate to get it to the Coast? Perhaps it is appropriate, Sir, that it was in Shakespeare's

[Mr. Harris] *Midsummer Night's Dream*: that the words are put into Puck's mouth, "I will put a girdle around the earth in forty minutes". If, of course, Sir, the gentleman would care to start from the western border—the Puck I referred to, Sir, is nothing to do with the hon. Member for Mount Kenya. It is perhaps appropriate, Sir, that it should be in a *Midsummer Night's Dream* that this expression occurs, because if the gentleman concerned would only go to the western border of Uganda and walk on and on and on and on to the west, when he got to Mombasa he would just about have covered his 20,000 miles, and therefore, Sir, if that is his idea of happiness he always knows the way to go from Uganda to Kenya. But that, Sir, is, I think, enough of this rather jocular inter-territorial recrimination. I do think that we can pride ourselves in Kenya, that we have always tried to make a success of the Central Legislative Assembly. Unfortunately, Sir, we seem to be suspect whenever we suggest that the power should be given to the central body. It seems to be that there is always the spectre of federation looming in the minds of those who listen to us. I think that the position should be made quite clear on this, Sir, that the leaders of this thought, in Kenya, have always been the Chambers of Commerce. They are not interested in political federation, they are very much interested in the economic development of these territories and, Sir, if it is a matter of federation I think it should be stated quite plainly that we in Kenya, too, have our pride and when we look round Eastern African to-day any talk of federation would receive very careful consideration from us before we would go one step further than we have already gone.

Now, Sir, as Chairman of the Kenya Unofficial Members' Organization, we discussed this Motion some time ago and although I am very diffident about making any suggestion, for fear of the reception it might have elsewhere it was the general feeling of all races represented in this Council that an unofficial meeting should be held in order to try to find the solution to these various problems which have been mentioned both by the Chief Secretary and myself, that is, the question of the methods of financing the

composition and appointment of members and the scope of the services which shall be given to the Central Assembly. But unfortunately, Sir, we know to our cost that what we suggest is invariably rejected elsewhere. Therefore, Sir, all I am doing is trying out this idea of a meeting of the unofficial representatives; I do not intend to take any initiative in the matter, but I hope that the Chairman of one of the Unofficial Members' Organizations of the other territories may see whether he could not take some initiative in getting, at any rate, informal talks going on the future of the Central Legislative Assembly.

Now, Sir, I have one last observation to make and that is that I feel that all of us, in all three territories, if we have any sense of responsibility, should be very careful how we deal with the question of co-operation between the three territories, but that there is suspicion is undoubted. I feel that in the mistakes of the past, the individual members of the High Commission itself must take their fair share of the responsibility. There is a habit in Britain for Scots and Irish, Welsh, English, at any rate on festivities after dinner, to pull one another's legs. But, Sir, there has been a tendency recently of members of the High Commission to, take every opportunity both before Councils and after dinner to encourage what I believe is a false sense of rivalry between the three territories. They seem to forget, Sir, that all the inhabitants of this part of the world are not necessarily English, Irish, Scots, Welsh—who do understand this after-dinner leg-pulling. I feel, Sir, that quite an amount of the suspicion which has grown up during the last few years may be attributed to some of the apparently humorous remarks which have been taken seriously by people who perhaps are not quite of the same turn of wit as the British and I would appeal, Sir, to all persons in high office to be very careful before they criticize neighbouring territories when they realize that their audiences are not necessarily quite as intelligent as they themselves.

I wish to support the Motion, Sir.

GROUP CAPTAIN BRIGGS: Mr. Speaker, Sir, I fully intended to support this Motion, subject to certain observations I wished to make, but in view of the

[Group Captain Briggs] comments made by the hon. Member when he was proposing the Motion, I feel that I cannot do so unless some assurance is forthcoming, that is, that references to proposals to increase representation in the Central Legislative Assembly and to make changes in the financial arrangements are only ideas and not in the nature of firm proposals. On the question of increased representation, I know it has been suggested that the High Commission is somewhat out of touch with the peoples in the territories with which it deals. It has been suggested that the best means of overcoming that particular difficulty might be to increase the representation in the Central Legislative Assembly. Now, it is my belief that our present representatives are perfectly well able to deal with all the major issues affecting their respective territories. An increase in numbers might, indeed, have the effect of reducing the quality and, in my opinion, it is quality rather than numbers which counts at all levels in every form of Government. I believe that the objections, to the present form of representation, might well be overcome by a better form of liaison between the High Commission Services and the Members of the territorial legislatures, particularly on such matters which are not of sufficient importance to necessitate there being representations made through the territorial representatives on the High Commission. I believe that increased representation might be a first step towards the building-up of an expensive form of interterritorial parliament. Indeed, it might even be a first step towards some form of East African federation. Having regard to the very unstable political conditions which exist in Uganda to-day and the very great dangers which, I think, are involved there, I believe that any ideas strengthening the present ties and links with Uganda in any way whatsoever might well be very disastrous for Kenya and possibly for Tanganyika as well, although I am quite sure that Tanganyika may well have their own views in regard to that.

I am sorry that I am not able to support the idea of increasing representation on the Central Legislative Assembly, because I believe that our

friends in Tanganyika are rather anxious that something of that sort should be done. But I believe, as I have said, in view of the situation in Uganda, it would be most unwise to do anything of the sort.

I would like to make it clear, Sir, that I have no objection in any way whatsoever to reasonable extensions of the activities of the High Commission in the fields of commerce and in economics; but I am entirely opposed to any further transfers of political powers. I am also totally opposed to any move that will have the effect of reducing the authority of the territorial legislatures.

I am afraid that there has already been a certain tendency on the part of some of the High Commission Services to regard themselves as a sort of supra-territorial authority and to some extent be above the law of the territories in which they operate. For instance, to my certain knowledge, there was considerable resistance on the part of certain High Commission Services to the application of certain Emergency Regulations and Orders arising from those Regulations. Indeed, there were very long delays in certain cases in complying with those Orders which had, in fact, been long enforced in the case of the general public. Not unnaturally, that caused a good deal of resentment on the part of the general public who had entailed great expense and inconvenience as a result of complying with the Orders. I quite appreciate that the same thing applied to the High Commission Services and that some inconvenience and expense was naturally entailed. I feel that they had no right to regard themselves as not being subject to the Regulations introduced dealing with the Emergency.

I would now like to turn to the suggestion that there might be some change in the financial arrangements. In this again, I am opposed to any change.

I believe it is essential that territorial legislatures should continue to exercise the control over finance which they have exercised in the past. It may sound very reasonable that a contingency fund or something of the sort should be provided for the High Commission to meet sudden emergency calls on finance, and I have no doubt that a good case could be made out for that. But what I fear

[Group Captain Briggs]

is that what might very well start as an arrangement for the provision, of say a contingency fund of perhaps £30,000 or £40,000, in the course of a few years would swell very greatly and would probably tend to snowball from year to year until it became a very grave expense.

Now, I regard that move, I am referring to the control by the legislature of finance as something that might very well be the thin end of the wedge which might ultimately lead to the introduction of a dual system of taxation. In other words, the public might, in the future, find themselves faced with paying their territorial taxes and in addition a tax levied by the High Commission. The cost of Government in this country is already very high and I cannot believe that we can afford the luxury of having another Government superimposed upon it.

I would now, Sir, if I may, turn to another matter of an entirely different subject. That is, the so-called bottle-neck of the port at Mombasa, which I think I am correct in thinking comes under the jurisdiction of the High Commission. I would like to know what really is going on and to what extent the Phasing Committee is responsible for perpetuating a situation that I believe is causing very serious economic loss to Kenya. Now, I have received a great many complaints from farmers—and others that they have ordered spare parts for machinery and that type of thing and that they have been quoted dates for delivery for as much as 12 or 18 months ahead. I feel quite certain that many of the commercial communities have probably had the same sort of results when they have tried to get goods out of this country. On the one hand we are told that the port is working smoothly; on the other that delivery dates are being quoted indicating a shipping delay of anything up to 12 or 18 months.

Now, Sir, constituents of mine who have visited the Coast during the past three or four months have reported to me that they have found that there is relatively little activity in the port and that they have often found vacant berths and that they have very seldom seen any ships lying out in the stream waiting for a berth. Now, if this is true, and I

have heard the same story from so many sources, that I cannot believe that there is no substance in it, I think that something is clearly very wrong. I would like to see an immediate inquiry held to investigate the composition and also the activities of the Phasing Committee. I have heard the opinion very freely expressed that Conference Lines' representatives dominate the Phasing Committee, and that as a result their competitors, that is, the non-Conference Shipping Companies, are virtually excluded from the use of the port. I must confess at one time I myself was a member of a Shipping Conference and I can well appreciate that it would be highly convenient to find a berth available for any ship arriving in the port without any delay, but I also know that some delay in berthing at busy ports is not unanticipated and, in fact, I would suggest that an element is allowed for that when computing freight rates to the port of Mombasa.

I believe that the position in Mombasa is causing very grave economic loss to the country and I believe that an immediate inquiry of some sort should be instituted without any delay to find out what exactly the Phasing Committee is doing, how it is composed and, indeed, if it is necessary. If it is not necessary, I suggest that it should be done away with forthwith and then there might be a shorter period of congestion in the port. But I feel perfectly certain that within six weeks or a couple of months there would be a very, very much greater flow of traffic coming in through the port and it would add greatly to the prosperity of this country.

Mr. Speaker, Sir, in view of what I have said, I am unable to support the Motion unless I can receive some assurance on the lines indicated.

MR. CHANAN SINGH: Mr. Speaker, Sir, I support the Motion before the Council. Of course the Motion refers to the continuation of the existing arrangements. Whatever is said with regard to any changes refers to what may be done in the future. No one, therefore, need be apprehensive with regard to any proposed changes.

Having said that, Sir, the next important question is, whether any changes in my view are necessary? I

[Mr. Chanan Singh] agree with the speakers who have suggested changes, that the existing arrangements are not adequate. First of all, Sir, with regard to the method of appointment of Members. It is not for us to dictate to other territories, but it does appear that changes are necessary there. The legislatures or the governments of the other territories should, in my view, see to it that the Members representing them do, in fact, reflect public opinion—not the official opinion. Anything that can be done in that direction, Sir, will be a great help; it will induce co-operation among the various territorial representatives.

Then, Sir, there have been suggestions as to the form that increased representation should take, certain people have expressed suggestions that there should be more businessmen on the High Commission. Well, Sir, here it needs to be remembered that we already have too many businessmen on the High Commission. So far as the Asian Members are concerned I see that all the Members are businessmen and, even among the European Members of the Central Assembly, a good proportion, perhaps more than half, are businessmen. I believe, Sir, that the best method of representation in a democratic assembly is on an area basis. No question of representing "interests" should arise so that if we have people to represent Kenya and to represent other territories that will be sufficient for the purposes for which the Assembly is set up. If business is overweighted, Sir, it will tend to make the Central Assembly a Chamber of Commerce. Increased representation is absolutely necessary. One Member to represent the larger communities is entirely inadequate and, I think, the best plan is that suggested by the hon. Chief Secretary that two Officials and six Unofficials should be sent from each territory. That means, in effect, Sir, doubling the existing representation.

THE CHIEF SECRETARY: I thank the hon. Member for giving way. I did not suggest that the increase should be two Officials and six Unofficials. I recorded that a Member in Tanganyika, speaking in debate, had made the suggestion and that it had met with general approbation.

MR. CHANAN SINGH: I am obliged to the hon. Chief Secretary for the explanation. In any case, Sir, that is a suggestion which appealed to my mind. That will, as I have stated, mean doubling the existing official representation as well as the representation of racial groups.

Now, Sir, on the subject of financing the High Commission, I also agree that if we can give the High Commission some kind of source of revenue, it is worth doing. It will not be desirable to give the High Commission powers of taxing the inhabitants of individual territories, but some sort of percentage on the revenue collected by the High Commission may meet the case.

As regards the scope of the work of the High Commission, here again, there is, in my view, need for change, especially in the direction of making commercial legislation uniform, but these and other matters like this, Sir, are important matters and cannot be decided in a debate in the Legislative Council. I feel that the legislatures of the three territories should get together, or representatives of the legislatures, and should formulate some sort of scheme which can later be discussed in the individual legislatures. But some committee on an interterritorial basis is necessary to consider what changes should be made. Here I should say that a committee appointed by the High Commission itself will not satisfy a large section of public opinion. I think it is the individual territories that are concerned and representation on any committee that is appointed to consider changes should be taken from individual territories.

With these words, Sir, I beg to support.

MR. MATHU: Mr. Speaker, Sir, I should like to support this Motion, but in doing so I should like to comment on some of the points that have been raised by previous Members. One is the question of the composition of the Central Assembly. The Orders in Council of 1947 and 1951 lay down the constitution of that Assembly and, as far as the Unofficial Members of the Assembly from Kenya are concerned, we have it laid down in section 19 of the 1947 East Africa High Commission Order in Council as amended by section 4 of the Order in Council, 1951, that the

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is that what might very well start as an arrangement for the provision, of say a contingency fund of perhaps £30,000 or £40,000, in the course of a few years would swell very greatly and would probably tend to snowball from year to year until it became a very grave expense.

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MR. MATRU: Mr. Speaker, Sir, I should like to support this Motion, but in doing so I should like to comment on some of the points that have been raised by previous Members. One is the question of the composition of the Central Assembly. The Order in Council of 1947 and 1951 lay down the constitution of that Assembly and, as far as the Unofficial Members of the Assembly from Kenya are concerned, we have it laid down in section 19 of the 1947 East Africa High Commission Order in Council as amended by section 4 of the Order in Council, 1951, that the

[Mr. Mathu] Unofficial European and Asian Members of this Council would pass a Resolution on which the European and the Asian representatives on the Central Assembly would be made. There is no such provision, Sir, in both Orders in Council as regards the African representatives on the Central Assembly and, in the debate of a Motion of a similar nature which took place in the Council in Kenya on the 11th May, 1951, I stressed that point, Sir, that it was imperative, that is the word I used, Sir, that there should be an amendment in Orders in Council by saying that the extension of the Assembly should be made to the 31st December this year so that African representatives in the Central Legislative Assembly should be appointed on the Resolution of the African Unofficial Members of this Council. That has not been done, Sir, and I would like to suggest very strongly to the Chief Secretary that this is one of the most important matters that we feel requires putting right as far as the composition of the Central Assembly is concerned. For two reasons, Sir: One is that you will give the Africans a feeling that they have returned their Members in the Assembly by indirect means and it will also, secondly, make the Member in the Assembly feel that he is not there entirely off his own bat, that he has been appointed in the Assembly on a Resolution passed by the African Unofficial Members of this Council. At the moment, by courteous arrangement with the Government, we have suggested a panel of names to the Government for appointment and I do not think we have been let down, but, if they were restricted to the letter of the law, they would not consult us at all and they could go off their own bat and pick up the man they like and put him on the Central Legislative Assembly. We feel that that situation should not be allowed to continue and I do hope that, if another Motion comes in another four years' time and this situation has not been remedied, I can commit future African Members of this Council to block vote against the Motion. It is vital that there should be no racial discrimination on that particular point. If other communities have been given that right I do not see why the African people should not be given that right.

I am in agreement with the previous speakers and with the particular hon. Member in Tanganyika who proposed that there should be increased representation of the Unofficials and suggested some ratio between various communities. All I would like to say as far as the African community is concerned, we feel, Sir, and we have the experience of these last eight years, that one African, to make an impression on problems affecting the African community of Kenya in the Central Legislative Assembly, is almost an impossibility. All the Africans working in the Railways and Harbours Administration, the Africans working in the Posts and Telecommunications Administration and all the rest of the services provided by the High Commission, we would like to feel, Sir, that these men who come under the High Commission Services appreciate that they have an adequate representation, and that their points of view or their problems are thrashed out by more than one African in the Assembly in order that they can know that their affairs are being looked after. I think, Sir, the Central Legislative Assembly and the High Commission have stimulated economic interest in many matters in East Africa and have brought the African to be aware of certain things of which he was not aware when there was no interterritorial organization of this nature. But the need now, perhaps it was not necessary in 1948 when the Central Legislative Assembly was set up, is to increase African representation on that body. I am informed, Sir, also that as far as the Committee work of the Assembly is concerned, the non-European groups in Kenya serve on no committees. That may be; I do not know how it happened, whether it is a coincidence or some sort or not, but I have been informed that that is the position. It may be because there are only two of them. It may be that if you had more, those appointing Members to the Committees of the Central Assembly would not work in an interterritorial co-operation of this nature without the non-European group working in committees connected with the Assembly.

Sir, as far as the Members we return voting together as a whole Council here, I personally would be prepared if, or rather ask the Chief Secretary when these

[Mr. Mathu] matters are being considered, to say that section 4 of the 1951 Order in Council, which provides that this Member need only have qualifications to be elected as a Member of the Legislative Council, is appointed on recommendation of a racial group in this Council, and if that happens then perhaps there will be some evenness in the distribution of seats in that way.

Now, in 1951, Sir, I drew attention to the fact that again I emphasized the importance of increasing the Unofficial representation of the Central Assembly, so that the Boards and the Committees which are set up under the High Commission through the Central Legislative Assembly would require representation of all communities so that they should feel that there is really not theoretical but practical co-operation between all the people in East Africa.

Now, Sir, my hon. friend, the Mover of this Motion, and I think he was supported by my hon. friend, the hon. Member for Nairobi South, said that because Kenya is suspected by certain people in the neighbouring territories, they would withdraw, sit back and not take the initiative in matters they think of East African importance because they think that their leadership would be suspect, and that in most of these matters they wait to see the other territories take the lead. I object to that, Sir, I do object to that most strongly and I was hurt to hear the Chief Secretary say that this Government would take the initiative in matters because they think they are suspects. Now, I do not think that is the way to look at it. If we are more lively and we have ideas which can put to the other territories, we do not have to impose upon the other territories; ideas which will bring economic co-operation more closely together of the territories and bring economic improvement of our territories, surely we should not sit back and wait until other people have the ideas; perhaps they have no ideas at all and, if they have not got any ideas at all, why should we advocate in the manner that my hon. friend, the Mover, seems to suggest. I would like, Sir, personally to suggest to the hon. the Chief Secretary that I disagree entirely with him and I think the Government

should think again. If we enter into the question of dictatorship, that Kenya will dictate to the other territories, I suggest, of course, I would be the first person to agree with him. But that is not the same. We have a Central Legislative Assembly, we have the High Commission, our Governor is a Member of the High Commission and, through these constitutional channels, I think these suggestions should be made, and even if the credit comes to Kenya, well and good. The benefit does not go to Kenya alone. If it is a good idea, it is going to benefit the whole of East Africa and, Sir, I thought I should make that point clear.

My hon. friend, the Member for Nairobi South, is similarly afraid that there is apprehension in other territories because they think that Kenya wants federation and political union. He says, of course, that what we want is economic co-operation, not political co-operation, but I fear they go together. I personally would be happy if we could co-operate and work a bigger unit instead of working small units, but already I can see political and constitutional difficulties where we are a Colony on the one hand and a Protectorate along the coast of the Indian Ocean, and next door we have a Trust Territory governed from Geneva or New York and there on the other side of Lake Victoria we have in the shape of a Protectorate. Now these are not of my own making, Sir, but they are things that I do think should be politically handled—constitutionally handled—and should not be beyond human ingenuity and they should be discussed and settled. I am not afraid of political federation of East African territories at all. I would not like to go to Northern and Southern Rhodesia, of course, because that is another matter, but here I feel that it would pay us to be a bigger region than to work in small economic units, Kenya, Tanganyika and Uganda. I made this position clear in 1948. I am in the small minority but I would support federation to-morrow of the East African territories whether some individuals are against it or not, but it is a thing that should be discussed. I do not think my hon. friend, the Member for Nairobi South, should be afraid to talk about this.

One final point, Sir, is in regard to the suggestions that there should be financial arrangements by which the

[Mr. Mathu]

High Commission should not depend entirely on territorial finance and they should have finance of their own. I must say that I agree entirely with my hon. friend, the Member for Mount Kenya, who is not here. His fears are entirely my fears and I would like to go very slow on this one. I have seen how Government starts, either local or central with a few stillings. It looks very simple, but nobody takes any time to produce the need for more staff because of want of service, more staff because the people want that service, more materials because the people want that service and it is not an easy matter. That may be, of course, another step to go for taxation for the High Commission and I personally suggest that the present arrangements should wait until some of these things are tied up. That should be the last thing we should touch, because we should not like to put our people further into taxation to support a very big and growing organization of the High Commission.

Sir, with these remarks I support the Motion.

MR. USHER: Mr. Speaker, Sir, I was unfortunate not to hear the hon. Mover yesterday, but I have seen and enjoyed his speech in typescript.

I would remind hon. Members that he began by telling us that this was a Motion to prolong the life of the Central Legislative Assembly. The criticism of the Central Legislative Assembly which is most common is that it has no life: that it is a body which carries out certain functions of metabolism, but that it lacks vigour and lacks initiative. There may be two reasons for that, I think there are. One is that its composition is of various kinds. Our own representatives from Kenya are responsible. They are responsible in this sense—that they are appointed by this Legislature, or by bodies within this Legislature, who are themselves responsible to their constituents, and it is very difficult, Sir, for them to have the same points of view as those who are responsible only to some vague entity called a Government: a Government, incidentally, without unofficial responsibility—unofficial representation—in its own Legislature. That is, to my mind, the chief trouble.

The hon. Mover quoted from an article in the *Kenya Weekly News*, one portion of which reads, "... is that it provides a forum for debate and compromise, and for the settlement of disagreement by the only true democratic device of the votes of the responsible representatives of the parties".

But are these Members, in fact, responsible? I say they are not. If so, to whom are they responsible? Are they indeed representative? If so, representative of whom—except possibly of the communities to which they happen to belong?

Meanwhile, Sir, I think the best way in which we can infuse life into this Assembly is to make unofficial opinion better known in it. At present one wonders how policy is initiated. It might be initiated in those—I think they are not called Governors' Conferences any longer—I do not think that is the word—anyhow, in these pro-consular deliberations, of which the general public knows nothing. They might be initiated by the High Commission itself, which is a purely official body. I think occasionally notice is taken of resolutions of the Chambers of Commerce, but what I suggest we really need is continual consultation between Unofficial Members of the Legislatures, and it is that course that I would commend. I believe that some revivification could be achieved if we could get together in that manner. It is no new idea, because I seem to remember five years ago we had a kind of initiation ceremony during a meeting in Nairobi, and that Tanganyika and Uganda and ourselves were firmly agreed that this meeting was to be the precursor of regular meetings of that kind. It is, of course, for Unofficial Members themselves to see that something of the kind is carried out, but I would like to say now we should be grateful if the Government of Kenya and other Governments would give this idea its blessing.

Not only, Sir, is there a need—a need that we all know—for closer co-operation in such matters as commercial legislation and, say perhaps, wages—we want uniformity in these things, but we want uniformity in other ways, and it is rather difficult to see how at present that is to be achieved. I think perhaps, Sir,

[Mr. Usher]

what I mean is uniformity in planning. Let me give you two examples of this.

In my part of the world we complain that, although we are ready here in Kenya to construct a good road to Tanga, we find no enthusiasm whatsoever in Tanganyika; whereas Tanganyika has constructed an excellent road from Arusha up to our border, we exhibit even less enthusiasm about a good road to meet it. In some ways, Sir, that is the kind of thing that ought to be got over, and I really feel that it is for the Government to suggest how matters of that kind can be dealt with: but there are other, and more long-range, policies which need consultation. I listened with great interest the other day to the hon. Nominated Member, Mr. Riddoch, on his long-range scheme for the development of the soft wood industry in this country. What, Sir, we want to achieve is that we shall have—so far as we can see it—a reasonable market for the soft wood that we produce. What is to happen, Sir, if Tanganyika gets the same idea? If Uganda gets the same idea? How, in fact, do we achieve any economic co-ordination with things as they are? It is a thing that is worrying a great many people. Each of the three territories has its own peculiar genius—it can produce something better than its neighbour, and it should be secure in its position when it has a development scheme of the kind adumbrated by the hon. Mr. Riddoch.

But, of course, mere consultation is not sufficient. There must be, Sir, an authority which can give effect to that, and I still do not know what that authority is, unless we have a political federation. There may be a means of achieving it—that is to say, securing to one country a virtual monopoly in a line which it is the best suited to pursue. These matters want thinking out very carefully.

In the meantime, I will end as I began by saying that I would urge this unofficial consultation as often as may be necessary, and to be initiated as soon as possible.

Sir, I beg to support.

MR. CROSSKILL: Mr. Speaker, Sir, I rise to support the Motion which was moved—if I may, say so—in a most

statesmanlike speech by the Chief Secretary. I would only differ with him on one point, and that was the point raised by my hon. friend, the African Representative Member, Mr. Mathu. The Chief Secretary did say, Sir, he thought we should be rather chary about putting forward proposals for the extension of the activities of the High Commission and the Central Legislative Assembly, as they might be turned down by the other territories. Now, like my hon. friend, I feel that is the wrong policy, Sir. I think we should not be diffident. What we are aiming at is broader vision. A greater appreciation of interterritorial economic problems, and I think that even if we do put forward matters for discussion which are likely to be turned down we shall be doing something to increase that appreciation of our mutual problems by such discussions, and, Sir, for that reason I support the proposal which was made in the Tanganyika Legislature for a committee to examine the possibility, or the advisability, of increased representation on the Central Legislative Assembly: for the same reasons, Sir, also put forward by my hon. friend, Mr. Mathu.

Now, Sir, I was listening earlier with interest to the proposals which I thought were going to meet exactly my feelings with regard to increased representation by my hon. friend, the Member for Central Area, but I found, to my disappointment, that he was adopting the tactics which are so often used by an hon. Minister sitting not a hundred yards from me of putting up our case slightly off-centre knocking it down and saying "quod erat demonstrandum". Having put forward a suggestion, he then knocked it down. His suggestion was that there should be more businessmen as territorial representatives of this Central Legislative Assembly: but he then said there were too many, and it would become more like a chamber of commerce: but it struck me, Sir, it might be quite a good idea if the Railways and Harbours and the Posts and Telecommunications were run by the Chamber of Commerce. However, that is just for consideration and for future reference.

With regard to other potential subjects which might come in the purview of the Central Legislative Assembly, Sir, I would suggest communications in general

[Mr. Crosskill] and, perhaps, roads in particular, which do require much more co-ordination, I suggest, than they have at the present time. I say this with due humility, knowing that we should come out of the argument by far the worst in comparison with our neighbours, Tanganyika and Uganda, with regard to roads, but I would certainly think it would be worth discussion. It would again encourage greater appreciation of our mutual problems.

Another item, Sir, which I feel should be dealt with is the question of cereals—both supplies and prices. Recently—in the last few years—we have been up against very considerable difficulties owing to disparity in prices, particularly with regard to maize between Uganda and ourselves. It has led to illicit supplies being run across the boundary one way, and then a month later back again, and so forth, which is too ridiculous, and if we have a body such as this High Commission, I think they should take an interest in this, and remove this anomaly and difficulty.

On the question of finance, Sir, I support the suggestions put forward by one speaker that there should be a contingency reserve fund. I think that would solve the difficulties which they have met with up to the present. In particular, I refer to one which recently occurred in the East African Veterinary Research Organization in the manufacture of vaccines. They were suddenly faced with an abnormal demand for finances, which was unable to be met. If we had such a contingency reserve fund, I think it would remove such difficulties as that.

Finally, Sir, I would just like to refer to the East African Veterinary Research Organization, and the other one—the Agricultural and Forestry Research Organization—at Muguga, about which, I think, too little is known. I had the privilege recently of attending a conference there, and I was deeply impressed by what is being done, and the already very deep well of knowledge which is being accumulated. I think that more attention should be given to it, and, if a Government spokesman would reply, giving me an assurance that there is adequate liaison between the departments

—the territorial departments—of Kenya and the one at Muguga, I should be grateful, Sir.

I support the Motion.

DR. HASSAN: Mr. Speaker, Sir, I rise to support this Motion. The other territories have already passed a resolution towards extending the life of the Central Legislative Assembly, and I believe this Council is going to do the same.

In this connexion, Sir, no one has said anything, but I would like to pay a tribute to the members of the High Commission who have worked in the High Commission, and made a great success in spite of the fact that I do not think they had wholehearted support from all territories. The importance and necessity of the Commission services is quite evident, and cannot be minimized. For instance, the research services—the Veterinary Research Services—in this country. We were faced with disaster to the stock industry by the appearance of foot-and-mouth disease, and the High Commission services managed to get us vaccines from overseas in the quickest possible time, and assisted the stock-owners considerably. Of course, we know, Sir, that foot-and-mouth vaccine is very expensive indeed. I do not think the stock farmer feels very happy when he pays for it, because its effects are only temporary. It is the establishment of the veterinary research type of services which, in course of time, will be able to produce this vaccine locally, and very economically, so that we should be able to deal with foot-and-mouth, and eliminate it from the country in the same way as we have done rinderpest.

It is quite true, Sir, that we hear from the public that the neighbouring territories look upon us with great suspicion. I do not know. They may be doing so—perhaps thinking that we probably keep fighting with each other, and it is far better to keep away from one another—but, Sir, we should never hesitate to boldly suggest measures which are good measures—which are good for all the territories as a whole, because the whole object of the High Commission was to bring these units of the African territories nearer to each other—economically—so that one day we may be able to join our heads and work together for the benefit of the people living here, and

[Dr. Hassan] the benefit of the countries as a whole, and unless we continue suggesting measures which are for the good of all, we shall never be able to get anywhere near the object we want to achieve. There is no doubt—some of my colleagues have said—that we should boldly demand that we get federation at once. Of course, if we like to do an immense amount of harm to the High Commission, we can do that by a suggestion of this kind. I do not think the opportunity is favourable at the time to suggest federation with the neighbouring territories.

We all agree, Sir, that the High Commission services must be strengthened with a view to help and assist the development of the country, as the High Commission has undertaken to administer these territories, and for this purpose I agree with the previous speaker that serious consideration should be given to the increase in the membership. It will not only help to put new ideas in the ranks of the High Commission, but, at the same time, they can have a few more newcomers to share their headaches.

With these few remarks, Sir, I support the Motion.

MR. TYSON: Mr. Speaker, the Motion before the Council is to lengthen the life of the Central Legislative Assembly by a further four years. It was originally established for a trial period of four years, and subsequently extended by another four years, and I think there are quite a number of us who had hoped that, after these two four-year experimental periods, we might have arrived at the stage where something more permanent would have been instituted.

It is, I think, as well, Sir, that we should keep in mind the reason for the establishment of the High Commission and the Central Legislative Assembly. It surely was to unify our essential commercial and economic services, and that, as time has gone by, has, I submit, become much more imperative and urgent. The East African territories have tended steadily to be developed so far as commerce and industry are concerned, on an East African basis—as distinct from a territorial basis—and that condition is steadily going to increase. Industry is going to be developed in East Africa

only, I submit, on the scale we want if the whole of the whole of the territories can be treated as one big internal market, and it is only along those lines—and it applies to agricultural expansion as well—it is only along those lines we are going to be able to absorb the increasing numbers of the indigenous peoples, and not only to absorb them into industry or agriculture, but also—which is vitally important—to raise their standard of living.

The hon. Member for Mount Kenya stated that he was against reducing the authority of the territorial legislatures. I do submit, Sir, that unless each territory—in the interests of East Africa as a whole—is prepared to surrender its authority over these matters of economics and industry in the East African territories, that is the very way to stultify the development of the activities of the Central Legislative Assembly.

I suggest, Sir, that if we will concentrate our attention on economic federation, there will be no need for us to worry about political federation.

I support the Motion.

LR. COL. GIERISIE: Mr. Speaker, Sir, in supporting this Motion, I am reminded of the remarks made by the hon. Member that the High Commission Services are a permanent organization, whereas the Central Legislative Assembly is not, hence the necessity for this Motion. I regard the High Commission Services as the operating machine of the Central Legislative Assembly—and as it must presumably be governed by some policy-making body—it is quite obvious that that body should be the Central Assembly. In the absence of the Central Legislative Assembly, I wonder who, in fact, would perform that function.

However, Sir, I must express disappointment on the progress—or lack of progress—in the expansion of the High Commission services in certain directions. Recommendations are consistently put forward, backed by sound arguments—recommendations for the introduction of interterritorial legislation—more particularly with regard to such matters as the Companies Ordinance, the Bankruptcy Ordinance and so on—and there has been

[Lt.-Col. Gherais]

no progress, Sir, on the majority of these subjects, as far as I can gather, for a matter of two years.

Well, the hon. Mover, when he introduced the Motion, made a reference to this matter, and said that the Kenya Government were treading water. Well, Sir, I think that expression might be applied to the Central Legislative Assembly, and hon. Members are well aware that there is another swimming stroke, known as the "crawl", and, Sir, if used correctly, can be very effective and very speedy, and I would recommend that also to the hon. Mover and the Central Legislative Assembly.

Now, Sir, I believe the Central Legislative Assembly lacks the necessary initiative and drive—or else it is that they do not put forward these cases, or do not represent them correctly, to the other territories. These businesslike suggestions are put forward usually after very careful consideration by bodies, such as the Associated Chambers of Commerce, and there the matter seems to end. I do not know whether it is the position, Sir, that there are petty jealousies and small-mindedness on the part of individuals—both in the Government and outside Government—in the various territories—that they resent proposals being put forward by the other Governments, and perhaps more particularly from Kenya, on the grounds that it is interfering with their particular authority. When one realizes, Sir, that in the High Commission services we have had two Administrators who were at one time senior officials in Tanganyika and, not so long ago, the person who was the Economic Secretary of the High Commission is now, I believe, the Chief Secretary in Tanganyika—one would have thought, Sir, that with that association these territories would have realized the benefits they would derive from this economic set-up and co-operation, but, Sir, it does not appear to be the case.

Now, Sir, I could not agree with my hon. friend, the Member for Nairobi South, on extending the principle of a provision for independent financial authority. In the first place, of course, it would require the approval for a similar action by the other territories, but, Sir, a token contribution would avail very little, and in any case the only measure

of control we have over the High Commission at the present moment is the control of finance, and I suggest that has been working quite efficiently and effectively up to the moment, and I would suggest that we leave well alone. A token contribution would avail nothing, and there is always a danger, Sir, to—if you make a contribution that there might be the tendency to expend that token contribution on such expenditure as is least likely to be approved by the respective legislatures. If funds are required, Sir, for any urgent means, the High Commission Services have a very efficient and intelligent Member for Finance—and it so happens he originates in Kenya, but I would not hold that up against him—but I am sure he is perfectly capable, Sir, of representing a case and finding the ways and means of obtaining funds, should the position become urgent or desperate.

Finally, Sir, I believe that in one direction the Central Legislative Assembly fails, and that is in regard to the rather formal manner in which they conduct their debates. One gathers the impression that most of the matters are cut and dried before they enter the Central Legislative Assembly, and perhaps that accounts for the short duration of their sessions. It may be, Sir, that all the hard work and careful thought is undertaken in committee, but if that is so, the public are not aware of it, and therefore they do not get the benefit of the hard work they may possibly put in on those committees.

Sir, I beg to support.

MR. RODDAN (Nominated Member): Mr. Speaker, Sir, I rise on one point to give the assurance asked for by the hon. Member for Mau that adequate liaison does exist between the territorial departments and the Research Organizations at Muguga. I can, Sir, give that assurance. Whatever the position may have been in the past I am perfectly satisfied that the relationships are now very much better, and entirely to my satisfaction.

The hon. Member, Sir, in his capacity as, I think, a member of the Governing Body of the Council which looks after the activities of the Research Organizations, will be aware of the existence of technical co-ordinating committees and specialist committees, which are joint

[Mr. Roddan]

committees of research organizations, and of the territorial departments. These committees, Sir, do serve a very useful purpose in bringing specialists in a particular field together, in getting to know their particular problems—what they are working on, and so on—and do avoid any possibility of overlap.

In addition to that, Sir, I think the hon. Member will be aware that, in so far as my department is concerned, it is the special responsibility of the Chief Research Officer to maintain almost daily contact with the Research Organization at Muguga, and I believe, Sir, that in that way—providing the personalities are right—you get a much better liaison and contact and continuity through personalities than through committees.

I think, Sir, that the same arrangement exists in the Veterinary Department, and I am quite sure that I can quite confidently give the assurance that the hon. Member has asked for.

MRS. SHAW: Mr. Speaker, Sir, I strongly support the Motion. Whereas I personally would consider three-territory federation a disaster for Kenya, no one can question that the closer integration of all our services is an economic necessity. I disagree, therefore, with the hon. Member for African Interests on that point; but I do agree with him very strongly that a committee should be set up to go into the Kenya representation on the High Commission, and I also was amazed—I agree with him, I was amazed—to hear the suggestion that Kenya should not put forward their ideas for consideration. That is a very curious suggestion coming from the Government, I consider, and I cannot believe that our representatives will ever carry it out, for the Kenya representatives—whatever they may be accused of—can never be accused of not having strong opinions, and voicing them.

I often have been a critic of the High Commission. I have complained of the lack of vigour shown by our representatives, and I believe the hon. Member for Mombasa may well have put his finger on the trouble by suggesting that it is the rather nebulous quality of their responsibility that is the cause of this lack of vigour. Also, I think, the High

Commission Services—in this Colony at any rate—I can only speak for this Colony—do tend to hide behind that nebulous responsibility very often when attacked.

I am glad to hear from the hon. Member who spoke last that there is no overlapping of services, for that has not always been the case, and—especially in tsetse fly research—it has been too often the case that the territorial services were carrying out pretty well the same services as the High Commission Services, although the High Commission Services were started off on the grounds of research. When research came to an end, they then went on to field reclamation and not other research work, which should have been the responsibility of the territorial services. Sir, I was glad to be reassured that that is no longer happening.

I believe, too, that the hon. Member for Mombasa was right in his suggestion that more interterritorial discussions might add, or bring, to the High Commission's work that vigour which we do need—that force and drive—and also bring a more realistic approach to the common problems of the three territories.

Mr. Speaker, I beg to support.

MR. SLADE: Mr. Speaker, Sir, I support this Motion. I should like to join the hon. Mover in thanking those Members of the Central Legislative Assembly who serve this Council, and Kenya, there.

I should like, Sir, to comment on some of the possible changes of which the hon. Mover warned us, and on which I think he wanted us to express our views in this debate. I am opposed, Sir, to any proposal for increased membership of the Central Legislative Assembly. I believe that it will cost more money without achieving anything; and, by failing to achieve anything, will cause greater disappointment and frustration than before. One of the reasons urged for this increased membership appears to arise from the belief that the Central Legislative Assembly and the High Commission are not achieving what they could achieve, and that more people in the Central Legislative Assembly would achieve more. Now, Sir, I think we have to face that there are at present limitations to the scope and value of the High Commission and the Central Legislative

[Mr. Slade]

Assembly—limitations not due to personalities or to the set-up, but due to circumstances beyond their control; due to the fact that the three territories have conflicting ideas, conflicting origins and conflicting directions, which only time will get over, even in the economic field. There are matters, Sir, in which other territories do not want to go the same way as we want to go. The hon. Mover has given us examples. There are matters in which we most certainly do not want to go the same way as some of the other territories. The hon. Member for Mount Kenya has given us examples, and I agree with him.

Now, Sir, we have to recognize the difficulties, and let the thing find its own way.

Another suggestion which is made in support of the proposed increase in representation is that there should be a fuller representation of all kinds of different people—classes of people—from each territory, but, Mr. Speaker, I would remind hon. Members that the High Commission and the Central Legislative Assembly are creatures of territorial Governments and Legislatures. They are not the creation of the people themselves. The Central Legislative Assembly is set up, as I understand it, to represent the territorial Legislatures; and, as such, we do not need their representatives to be of every colour and creed—from every walk in life. We want there adequate representatives of this Legislative Council; and I submit, Mr. Speaker, we have that. We have it certainly in form, and, I think, we have it actually in personnel. If we have the wrong personnel, the remedy lies with us; but I do not think, Sir, that by adding to our representation on this Central Legislative Assembly we can improve the representation of this Council there. Sir, I would suggest that in this matter it is a case of being patient—as in every new constitutional development—not trying to force the pace.

Then, Mr. Speaker, I wish to oppose even more strongly any suggestion of independent finance for the High Commission. Frankly, Sir, I do not know how anyone could suggest it. After all; it is our principle—of any constitution, I think—that the Government has no

independent finance, but has to have its finance voted annually by some parliamentary assembly. The High Commission—just as much as our own territorial Government—must surely be dependent on an annual vote; and who is to vote that money but the territorial Legislatures? It cannot be voted annually by the Central Legislative Assembly, because the Central Legislative Assembly has no money of its own, and it cannot have any money of its own unless it is going to have some parallel powers of taxation, which I understand every Member of this Council abhors as much as I do. So we come back to this—that the High Commission must look to each territorial Legislature—and must look annually—for the money it requires. That, Sir, was the basis on which the High Commission and the Central Legislative Assembly were set up, and that basis, I submit, must stay. As one hon. Member has said, that is what gives us our control; we must maintain that control.

I see no objection, Sir, in principle—and some advantages—in voting a reasonable Contingency Fund. There may be contingencies that the High Commission has to meet before the money can be voted by way of Supplementary Estimate, or in any other way. A Contingency Fund is, of course, something very different from independent finance, because it does mean—as we all know—that once the fund is exhausted, then the High Commission would have to come back to the territorial Legislatures for the fund to be replenished. In theory, at any rate—as long as the fund was not too big—I would not oppose that idea, Sir.

Lastly, Sir, as regards the extension of the services, I think that is the real answer—not in altering the constitution of the Central Legislative Assembly, nor in giving it independent finance, but in extending the services with which it deals, as and where there is a case for doing so. I agree, Sir, that a certain amount of interterritorial jealousy seems to be blocking that at the moment; but I believe that with patience and development of understanding, we can extend those services. I would issue one warning only, Mr. Speaker, he should not try to make territorial services into territorial services just for the sake of

[Mr. Slade]

getting more interterritorial services—of painting a larger interterritorial picture. Whenever there is a question of a service becoming interterritorial, we should consider, do we really need it in an interterritorial form? Is it better there than it is now as a territorial service? I think possibly, Sir, we have already gone too far in one or two cases. The Statistical Department occurs to me as one. I sometimes question whether interterritorial statistics can be of as much value to any territorial Government as that Government's own territorial statistics would be. That is just a matter for thought—I have my doubts—but, Sir, I do agree that once you see a real need for a service becoming interterritorial, then every possible method of negotiation should be used to arrive at securing that interterritorial service—even to the extent of being bold enough to express our own views to other territories.

I beg to support, Sir.

THE SPEAKER: If no other Member wishes to speak, I think this might be a convenient time to take the interval. Council will therefore reassemble in fifteen minutes.

Council suspended business at fifteen minutes past Four o'clock and resumed at thirty minutes past Four o'clock.

MR. AWORI: Mr. Speaker, Sir, like other hon. Members who have spoken on this Motion; I am also going to support it. I must, however, say that when the East Africa High Commission was established in 1948—I was opposed to it, but after the establishment of the East Africa High Commission, I found that my fears were unfounded, and I think the East Africa High Commission is serving a very good purpose in East African territories.

I, however, have a few remarks to make on this Motion. Again, I must say I do not agree with either my hon. friend, Mr. Mathu, and other previous speakers, who suggested the question of political federation. My main ground for that is that we should put our house in order first. In Uganda and Tanganyika in the Legislature, the racial proposition is to the advantage of everybody but not in Kenya, and the reasons why the people in Tanganyika and Uganda have never wanted an association with us is

because we are a bit conservative. We do not give all the communities the advantages that they have. For that matter, even if I would support political federation, the people in Tanganyika and Uganda would oppose it.

The other point, Sir, which I would like to raise, and I hope that the hon. Chief Secretary will be able to reply to it, is the question of the publication of *Tazama*, and my hon. friend from the Coast and I have always spoken on this matter. I think it is high time that this paper was sold outright to the *East African Standard*.

THE SPEAKER: I think the hon. Member is wandering away from the terms of the Resolution. I do not think a discussion on *Tazama* is in order.

MR. AWORI: I am sorry, Mr. Speaker, if I have gone beyond the limit, but I just wanted to point out that it is one matter which should be raised in the East Africa High Commission that the British Government would like to publish a paper like *The Rebel*.

I will also add to the question of increased membership. I would support my hon. friend, Mr. Mathu, and other Members who have spoken on this issue. I feel that as we have agreed, unlike people in Uganda of the Legislature, some of whom, particularly the African Members who are opposed to the East Africa High Commission, we here have agreed to the multi-racialism of the High Commission and I feel that the membership should be considered and it should be increased.

Mr. Speaker, as you have ruled me out of order on the question of *Tazama*, and as this was a particular issue that I wanted to raise, I do not think I will be able to pursue it.

I beg to support.

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

THE CHIEF SECRETARY: Mr. Speaker, I am grateful to the hon. Members opposite for their very valuable observations in the course of this debate, especially—or I should say even—the hon. African Representative Member with his startling irrelevancies about *Tazama*. I can assure him that, even if

[The Chief Secretary]

he had continued, I should not have known the answer.

Let me first of all, Sir, defend the Members of the Central Assembly against these charges of lack of vigour and initiative. They have, of course, abounding vigour and a prodigious quantity of initiative, but they feel a certain diffidence towards making a public display of their qualities. It is not easy to make the eyes flash or the voice vibrate with passion in dealing with those matters which, by common agreement, are set out in the Third Schedule.

The hon. Member for Nairobi South, Sir, ranged over a fairly wide field, including the position of the Administrator, the method of election, a raid on the Customs revenue and the mental processes of Mr.—I think—Bamuta, and the serious results, which might follow the encouragement of undesirable territorial rivalry. I am indebted to him for these sage reflections but I think there is little to answer in his speech.

MR. HARRIS: Hear, hear.

THE CHIEF SECRETARY: The hon. Member for Mount Kenya asked for reassurance on one or two matters and I hasten to give them. I made no proposal, Sir, about the size or composition of any future form that the Assembly might take and I certainly made no suggestions that there should be a transfer of political powers.

In regard to the future form the Assembly might possibly take, what I said was that the Government of Uganda proposed to initiate discussions on the point. We shall naturally take part in those discussions and the various observations made by hon. Members will be borne in mind when we play our part there.

As to the question of the transfer of political power, as I observed when I moved this Motion, the extension of the Schedule is hedged round with very comprehensive safeguards. First of all, if any subject is to be transferred to the range upon which the High Commission, with the advice and consent of the Central Legislative Assembly, is empowered to enact legislation, there must be a resolution in each of the territorial Legislatures; in addition, the Secretary of State

must be satisfied that there has been no strong opposition.

The hon. Member for Eastern Area, Sir, with his usual talent for understatement, observed that the time was not suitable to suggest a political federation of the other territories. I can assure him, Sir, that he is perfectly correct.

The hon. Member for Central Area made a number of useful and constructive suggestions for which I am very grateful. His views, and those of the hon. Member for Mombasa, will be given due account in the consultations which will take place concerning the future constitution of the Central Assembly.

The hon. African Representative Member, Mr. Mathu, referred to the special method adopted for the election of African Members to the Central Assembly. I am sympathetic with his views on this matter, Sir, as hon. Members will know, it is not unlikely that before very long the position of African Members in this Council will have undergone some change, and a change in the method of appointing African Members to the Central Assembly will be a corollary to it.

The second point he raised concerned the representation of the various groups on the boards and committees of the Central Assembly. This, Sir, is a matter in which this Government cannot interfere. It would be as wrong for us to interfere with the appointment of their committees, as for them to interfere with the appointment of our committees.

Finally, Sir, various allegations of defeatism on the part of this Government were made by the hon. Member for Nairobi North, the hon. African Representative Member, Mr. Mathu, and the hon. Member for Mau. I agree that progress in some of these matters has been disappointingly slow, but we cannot convince our neighbours that what they consider to be an air of bland arrogance is, in fact, meek humility by banging their heads against the wall. It is a method which will have no success. Our views about the extension to the Schedule are well known. We have repeated them time and time again, and they require no more reiteration. As for the day-to-day work, I feel that the hon. Member for Aberdare has the right of it when he said that our first task should be to extend the

[The Chief Secretary]

existing common services, where, of course, the extension is in the interest of the efficiency and the effectiveness of the services. Let what is being done now on a joint basis be done with the greatest efficiency and the greatest economy.

Sir, I return to the point that if we are suspect in the other territories our task is to woo and to cajole, not to let our enthusiasm be taken for aggressiveness. I am reminded of those witty con-jugations which were going around many years ago: "I am lively, you are bumptious, he is drunk".

Sir, I beg to move.

MOTION

DEVELOPMENT PLAN—PROPOSED AMENDMENT

(Governor's consent signified)

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, I beg to move the following Motion:—

WHEREAS this Council, on 19th April, 1955, approved the Government's proposals contained in Sessional Paper No. 51 of 1955 for a development programme covering the three-and-a-half years 1st January, 1954, to 30th June, 1957;

AND WHEREAS changing circumstances have made it necessary for certain adjustments to be made to this programme;

BE IT RESOLVED that the proposals contained in Sessional Paper No. 97 of 1955 be approved;

AND BE IT FURTHER RESOLVED that the cost of implementation be met out of moneys to be provided by the Legislative Council through the Development Estimates.

Mr. Speaker, when I laid before this Council the Government's plan in the Development Paper, Sessional Paper No. 51 of 1955, I covered the basis and policy on which that plan was drafted. I also gave an undertaking on behalf of the Government that the plan would be, as all development plans must be, subject to constant and critical review, adjustments and amendment. During the months which have elapsed since the Development Estimates for 1955/56 were submitted, and since the original

plan was debated, these amendments and adjustments have been continually taking place and the plan continuously under review by the Government.

Hon. Members will also remember too that at the time the Development Estimates were submitted, I pointed out that the time between the passing of the development plan, Sessional Paper No. 51, and the submission of the Estimates, had been too short for a complete estimate to be prepared and that, indeed, those Development Estimates represented a larger sum than was likely to be spent or needed during the present year. The Sessional Paper, and its proposals, which I am now submitting to the Council, also deal with the readjustment of those particular Estimates.

Now, Sir, I would like first of all to take hon. Members to Appendix A which is on page 26 of the plan of the Paper, and which deal with the revision of the three-and-a-half-year plan. In order to prevent misunderstanding and confusion, I would say, Sir, that it is my task to explain the over-all revision and I must refer to these details in so doing, but that questions on any of the portfolios or any of the schemes in detail, must, of course, be addressed to the Minister concerned.

Now, Sir, I come to the adjustments which have been made in the plan. Allocation number 1—there hon. Members will note that as a measure of economy, district commissioners will be using local building teams to a very great extent and the gross cost of the staff housing programme it is estimated can be reduced by £36,000. That £36,000 is arrived at on allowing the 23 per cent of £155,000 for the amount of building that can be undertaken with negligible overheads.

The next adjustment, Sir, is allocation number 2, which deals with table 48 of the Sessional Paper No. 51, and with the allocation of Government offices. Now there, Sir, in the explanatory note it will be found that after allowing a revote to cover commitments, and not charged to expenditure in 1954/55, a small saving of some £2,900 exists on the allocation, for the Central Government offices the first, second and third wings and the district headquarters at Wundanyi. On

[The Minister for Finance and Development]

the other hand, Sir, increases have taken place of some £5,500—I will not go into the figures in actual detail—£3,060, £5,144, in allocations for the Central Government offices, the Treasury building and the Government's contribution towards the cost of construction of Coronation Avenue in the City Square in Nairobi.

Well, now, after we have made all the various adjustments to the allocations, and the figures of gross cost, a balance of some £4,400 remains in this Vote against the Miscellaneous line and it is intended that that should be used for the construction of a new block of Government offices at Kilifi.

Now, Sir, I turn to the third adjustment which is that of administrative sub-stations. The investigations have shown, Sir, that the estimates of costs on which the allocations were based, were too low, particularly in the Central Province. In some cases the final schedule of requirements was not available and in other cases the probable cost of land compensation and water supplies was uncertain. Building costs, too, have risen, particularly in those areas of Central Province which have been affected by the Emergency. In addition, it has been decided by the Government that a sub-station should be built at Busia in North Nyanza which will cost some £11,300. This means, Sir, that to complete the network of 38 sub-stations, shown in tables 51 and 52 of the original paper, and to build a sub-station at Busia, means that an additional sum of £100,000 net would be required and the additional money is going to be very difficult to find. The Government has decided therefore, Sir, that the construction of four of the 31 sub-stations proposed shall be postponed until the next planning period which will begin on 1st July, 1957, and that three of the stations should be established on a skeletal basis only. Even with this cutting down, the present allocation will have to be increased by some £50,000 net—net, without general works service costs. However, in view of the fundamental importance of the policy of closer administration, and in keeping with the priorities which were outlined in the

original Development Plan and are repeated in this Sessional Paper, the Government intends to find a sum of this order, but it will mean cuts in the allocations of other Ministers.

Allocation number 10, Sir—there is a plan there which shows a number of readjustments in the agricultural section and there are notes on page 30 which cover part of that allocation. The main item that arises is as a result of a decision by the three Governments—territorial Governments—and by the Central Legislative Assembly, that the headquarters of the East African Tsetse and Trypanosomiasis Research and Reclamation Organization should be moved, for technical reasons, from Kabete to Sukulu in Uganda. That was agreed to provided that no additional financial commitments—be they recurrent or capital—would be involved. That took place, Sir, but the organization owns a block of offices and laboratories, together with ancillary buildings, in the Scott Laboratory Reservation at Kabete and, to help finance the construction of a similar group of buildings at Sukulu, it was suggested that this property must be sold. The Government gave a great deal of consideration to this, Sir, and it considers that this property should be purchased by the Government of Kenya for the reasons set out on page 30 which I have just put on record. In view of the Agriculture Department's research programme, it would be most inadvisable to surrender the Government's rights to the land. Laboratory and office accommodation is required for visiting scientists, and, when the staff position improves, the Director of Agriculture intends to post an Agriculture Officer to the Nairobi District and there is a possibility that the office of the Provincial Agriculture Officer of Southern Province will have to be moved from Machakos to Nairobi. But, of course, the main reason why this purchase is undertaken is the expanding research services of our own Agriculture Department. The valuation price is £16,450 and it has been agreed to purchase. Whilst it is obvious at this early stage in the year that the Ministry of Agriculture cannot offer firm savings in detail, the Minister has agreed that the money will be recovered by savings on other expenditure in the planning period.

[The Minister for Finance and Development]

Then I turn, Sir, to Veterinary Services. The Director of Veterinary Services, through the Minister concerned, pointed out to the Government that with the allocations that have been made there would not be sufficient funds to enable the stock-breeding centres in the African areas and the subsidiary stock routes to be completed. As regards the African breeding centres, the stock-breeding centres in African areas, the original scheme value was some £74,475 and that sum had been intended to cover the capital cost of establishing centres at Kisii, Kabiango, Mariakani, Marimba and Ndomba. But, as in other cases, building costs have been rising and the estimates were based originally in 1949 and we found that in order to complete these stock-breeding centres, the sum of an additional £9,000 would be required if we were to finish, in particular Kabiango, Marimba and Ndomba. It was agreed that this was an essential and economic necessity. Then we had to deal with the subsidiary stock routes scheme on the three main routes. Those are set out in the Paper as Komo Rock, Ruiru, Sergoit and Kaptagat. Now only the Kaptagat one has been completed and is in use, and if the first two subsidiary stock routes are to be put into use and completed, a supplementary allocation of some £7,675 will be required. The Paper notes that the removal of illegal squatter stock in the Uaro/Uasin Gishu and the removal of surplus stock from the Sergoit Reserve, depends on the completion of these routes and the Government therefore felt that it was a necessary expenditure from development money.

I now turn, Sir, to allocation number 12—Water. At the time of the laying of the original Paper, the Government did point out that it was more than likely that the provision which had been made for water in the plan would prove to be inadequate, the original allocation being in the nature of £153,900—particularly, Sir, I am talking now about the township water supplies. Well, the position was being examined when the 1955/56 Development Estimates were being prepared and since the total scheme value, already being, or about to be implemented, was in excess of the

allocation of £153,900, the sum of £23,161 was transferred to that allocation from the Mombasa Water Supply. That was possible, Sir, because the major project will be, we trust, effective from early 1956. Nevertheless, even when this was transferred, the shortfall was so large that it was necessary to eliminate from the Draft Estimates 16 new schemes which had been assigned a very high priority by the Water Resources Authority and also to delete phase two of Lamu Township Water Supply. Well, almost all the schemes that had been eliminated were designed to augment existing supplies, or to provide adequate supplies and reserve storage and the Government has concluded, in view of the significance of piped water supplies for the economic and social development of townships, that the existing allocation must be augmented by the sum of £120,700 to cover the cost of the schemes which are now outlined in the Paper. I will not go through the cost of the schemes in detail, but would place on record the schemes that are being dealt with, Kericho, Kisii, Kakamega, Bungoma, Lumbwa, Molo, Maralal, Naivasha, Meru, Fort Hall, Machakos, Ngong, Kiambu, Kilifi, Voi, Malindi and Lamu (phase 2 and completion).

Now, Sir, I turn to police buildings and hon. Members should look at table 61 on page 33. There they will see that the police will now spend directly, not £140,000, as was previously thought, but about £181,000, thus the amount of expenditure involving Public Works Department's overhead will be reduced. As a result of that the contribution towards the general works staff can be reduced by some £9,000, which shows a small saving.

Then, Sir, I turn to Prison Buildings—page 34. Now the main alteration in this one, Sir, is the problem which has been raised in this Council on several occasions lately, the problem of juveniles and the need for remand homes. As the Paper says, at the present moment the juveniles who are awaiting trial, awaiting decisions as to their fate, can only be held in prisons with all the very great difficulties and social problems which that involves, a very undesirable aspect of work with juveniles. The Government had to consider, therefore, the question of remand homes. To have established

[The Minister for Finance and Development]

a network of seventeen remand homes for boys and four for girls, which would have been about the number estimated needed to deal with the problem adequately even in its first stages, would have cost about some £63,400 net. We have not, Sir, the money to deal with this problem on the scale we would wish to. The Government has considered that, at any rate for the time being, the most urgent aspects of the problem can be dealt with if we can put up a remand home at Nairobi and a home in Mombasa. The remand home in Nairobi will cost about £12,600 and the estimate for the home in Mombasa is some £3,100. It is therefore proposed to reduce the net scheme of the value of the Nairobi remand prison by some £15,700, which will probably mean a part of it being carried over into the next planning period, and to create a new allocation under the Minister for Community Development which will carry these items of the Nairobi remand home and the Mombasa home covering £15,700. In all, in due course this means of course the Council will be asked to vote provision through the ordinary estimates for the annual recurrent cost and it is wise that they should be noted at this stage that it will mean some £3,500 for the Nairobi home and some £726 for the Mombasa home.

Now, Sir, I turn to the Local Government's Loans Authority. As hon. Members will see here there is a question of readjustment. When I come to deal with the general position arising from these adjustments in detail, I would take hon. Members back to paragraph 3 which refers to this particular point, but, as a result of negotiations, there is now every hope that the Nairobi City Council will be permitted to go to the market—the money market—for £3,000,000 instead of the £2,000,000 which was previously thought to be their limit. I should, I think, say that this contains—this paragraph contains—the words "in 1955", but I would say that in view of the present loan position, and the difficulty of money raising, it is unlikely that they will be able to go before 1956. That meant, Sir, that there was an adjustment and reduction in the allocation by £1,000,000.

We then turn to the other part of this local government service, which is the requirements of local authorities, other than the Nairobi City Council. The other local government bodies, Sir, and I would say again, as I said in the main debate, that I do consider that this money lent to local government authorities is amongst the real productive services, and must be counted as productive expenditure, and the Local Government Loans Authority was based with an allocation of only £1,275,000 for the requirements of local authorities other than the Nairobi City Council. They found themselves, particularly with the end of the planning period, which is, after all, only now some twenty months ahead, getting nearer, they found themselves in the position of wishing to give sanction to local government authorities to plan ahead of 1957 and be assured that the money would be available even though they might not borrow it during the present planning period. Now, that, with our capital gap as it was, presented us with rather a difficult problem but it has been decided, Sir, that we should grant them permission to issue loan sanctions in excess of loan cash resources to the extent of £400,000 because we know that in all these matters there is delay which occurs between planning and expenditure and we must assist them to go forward with their plans. We have, therefore, put forward to this Council the proposition that we should, as it were, mortgage £400,000 of the money for the next planning period to the Local Government Loans Authority to enable that authority to authorize the local government authorities to go forward with confidence. It will be understood, of course, that there can be no guarantee that the present endowment plus this sum of £400,000 can be further augmented in the next planning period. It will, of course, be obvious that we should do everything we can to assist local government authorities by the provision of loan capital.

It is possible that some of this additional £400,000 will be required before the end of the planning period, and, if so, particularly in view of the present position of the money market, we shall endeavour to meet it by a short-term finance operation pending the next planning period.

[The Minister for Finance and Development]

The next point I have to cover, Sir, in the adjustments is medical services and there hon. Members will see that as a result of the United States International Co-operation Administration assistance, the development of the medical training school at Nairobi will be carried forward. I will not touch upon the details of the scheme, because my hon. friend, the Minister for Health, will deal with any questions on detail. I would only point out the words in the last paragraph that "the International Co-operation Administration grant will relieve the Colony revenue of the recurrent commitment of the school for two years, and thus permit a transfer of £145,395 to the Development Fund". This will indeed mean, Sir, that in the Estimates for the next two years, the cost of running the school will not appear, but there will be an item showing the transfer of an equivalent amount to the Development Fund. The difference between this sum and the total cost of the extensions which will reach some £152,150 in all, will be met by savings on other schemes in the Medical Department's three-and-a-half-year plan at the discretion of my hon. friend, the Minister for Health.

I now turn, Sir, to—I am afraid this has to be pedestrian because it deals with so much detail—but I now turn, Sir, to allocation number 23 on page 36 which is the question of African housing. The point that I would particularly draw hon. Members' attention to is the one contained in the last paragraph which is on the replotting, redistribution and subdivision into quarter-acre plots of some land in Mombasa mainland north. There, Sir, the cost of some £50,000 in the next planning period—some £50,000 of which £8,000 was to be used in the present planning period—is outlined as though there would be no further call during the present planning period. My hon. friend, the Minister for Health, has put alterations into the scheme, in the pace of the development of the scheme, before the Government and it has been agreed that some £30,000 more will be made available during the present planning period, thus there is an alteration in the impact of the last paragraph of which I think the Council should be aware.

On African education, Sir, allocation number 26, there is a fair amount to be said, but I will try to keep it merely, Sir, to the actual financial details which are shown on page 39. Without going into the details of the planned programme alterations which are shown on page 38, it will suffice to say that in order to carry out that planned programme, an increase of almost £110,000 is required to bring the available money up to the figure. Now to cover the increase, Sir, the Government proposes to do three things in particular: to postpone the resumption of work on the Fort Hall secondary school, which had to be discontinued because of Emergency conditions; and to reduce the allocation in the present planning period for the North Nyanza primary school from £80,000 to £50,000. The building of this particular school was scheduled to begin in 1954, but, owing to siting difficulties, the building has not yet been begun. It is estimated, therefore, that £50,000 will be sufficient for the amount of building which can be carried out before June, 1957. Then again to reduce the allocation of the Meru Secondary School from £40,500 to £15,500 and for the time being accommodate the first classes in temporary accommodation in the existing practising school of the Meru Teacher Training Centre.

Teacher training, also, Sir, the allocation for the completion of existing centres was underestimated and an additional sum of £32,000 is required. It will also be just over £1,000 extra needed for the Sareba centre in order to complete the development plan of this period.

Finally a sum of £7,500 is required for two houses and two offices for district education officers. Both this and the additional requirements for teacher training are to be met from the overall reductions in the original allocations for primary, intermediate and secondary schools. It is hoped that the net effect of all these changes and adjustments will, indeed, be to reduce the gross cost of the programme by some £15,100 for the Public Works Department element.

On Arab education, Sir, there will be no additional expenditure necessary, but there will be an alteration in the plan because the Sir Ali bin Salim school at

[The Minister for Finance and Development]

Malindi has been condemned as unsafe for further use and there are increasing demands for accommodation necessitating further extensions to the school buildings at Faza, Lamu and Takuangu. That means that the general allocation for village schools has got to be increased by some £9,500 and savings of this amount will have to be effected on the scheme value for the Arab boys' primary school by reducing the number of new classrooms to be built from fourteen to ten and by keeping certain of the *banda* type class rooms in use for the time being.

On Education special scheme, Sir, there is no financial change in this. It is merely a widening of the ambit of the allocation with which my hon. friend the hon. Minister for Education will deal if questions are to be asked. On the purchase of land allocation No. 30, hon. Members will see that there is a saving of some £8,000.

I now turn, Sir, to forestry and I would go into this at fair length. The note reads: "The original allocation of £160,500 for forestry included a sum of £50,000 for the afforestation of 1,500 acres of grassland and the reafforestation of 2,500 acres of cleared forest land within a five-mile radius of Makutano Works Camp in the Eldoret forest reserve. The project was to provide 1,500 detainees with employment for seven months. The project has, however, been reassessed as it is economically unsound to afforest 4,000 acres in a single district in one planting season. . . . It is proposed, therefore, to implement a modified scheme for the reafforestation of 1,000 acres of clear-felled forest on which 500 detainees will be employed for twenty months. The total cost, inclusive of labour costs and roads, will be £15,000 of which £1,700 representing the additional cost of using detainees as opposed to Forest Department employees, will be reimbursed from the Emergency Fund".

Of the balance of £35,000 against the allocation for the original Makutano project the Government proposes that £31,500 should be devoted to the establishment of a forest training school at Londiani for the teaching of the elementary principles of forest practice to

African rangers. The Colony to-day has over 120,000 acres of standing plantations and the development and ultimate out-turn of economic value of these forests depends upon correct maintenance. The Government believes that there should be one fully-trained forest ranger per 1,000 acres of plantation, but at the moment only 26 of the 82 rangers employed by the Forest Department are trained. The capital cost of establishing the school is estimated at £25,000 and the recurrent costs for the first year which is all that comes within this Development Plan, 1956-57 are £6,500.

Allocation No. 36, Sir, on page 42, is the Industrial Development Corporation. Hon. Members will remember that in paragraph 244 of Sessional Paper No. 51, the Government pointed out that additional money would have to be made available to the Industrial Development Corporation and that is now being implemented to an amount of £50,000. The Government has tried to obviate the necessity of the Development Corporation having to come back to the Government every time they want money for a major investment, because after all they are a responsible body and we must, as much as possible, leave them to operate untrammelled. We have been able to make the £50,000 available, but the note states quite clearly, "that the Government does not consider the supplementary allocation of £50,000 now proposed adequate but it is all that can be made available at the present time having regard to the size of the capital gap on the three-and-a-half-year plan as a whole".

Allocation No. 44, the table merely reflects the readjustments which have occurred in General Work's costs as a result of the various increases or decreases I have outlined.

Allocation No. 46 deals with the Supplies and Transport Department and points out, Sir, that there has been an increase in the cost of buildings and as a result of that, a revised estimate of the scheme value has to be marked up from £220,000 to £268,000. That is being met by a readjustment within the allocation and by a decision not to use loan funds for the purchase of stores. I think, Sir, that in all with the exception of page 44, the Community Development

[The Minister for Finance and Development]

projects which will show hon. Members that the United States International Cooperation Administration has given a grant of about £71,000 to enable the present programme of community development to be accelerated. The grant will cover, as the note says, the various personal emoluments, duty travelling expenses and cost of materials used by 21 Community Development Officers on two-year contracts, and the personal emoluments and travelling expenses within the United States of an American expert. The Kenya Government has to provide, as a matching contribution, money for the items set out in (c), (d) and (e), but there will be a need to make a supplementary allocation to cover the short-fall between the money previously made available in the plan and the money required which will come to some £8,935.

That, Sir, covers the list of the readjustments in the Plan as a whole. I now come to the net result of those amendments which is to reduce the Plan value by £0.8 million to some £22.9 million. As I said before, Sir, the decrease is made up of a reduction of £1 million for the Local Government Loan Authority as a result of the permission granted to the Nairobi City Council to raise an additional £1 million independently, a supplementary allocation of £6 million, of £0.6 million, and a miscellaneous savings of £0.4 million. Now, at the same time, Sir, the estimate of available funds has been revised. Table 9 of the Paper shows, Sir, a forecast of available funds as the position now appears. The loan programme has been reduced because of the position I have just outlined. It is proposed to call upon our new allocation under the 1955 Colonial Development and Welfare Act to the extent of some £400,000 and it is expected that about £100,000 will come from miscellaneous sources. The present forecast of available funds, therefore, is £21.2 million which is only £1.7 million less than the revised plan value of £22.9 million. That compares with an original capital gap of £2.1 million. I am sure hon. Members will be interested to note that whilst the original capital gap represented 9 per cent of the plan value

of 22.7 per cent the reduced capital gap to-day is only 7.2 per cent of the revised plan value.

Now, Sir, the main purpose of the Sessional Paper No. 97, is to seek the approval of hon. Members to the amendments to the approved plan which I have just outlined. As I said at the beginning, Sir, of this speech, development and planning is a continuous and changing process and since this Paper has been printed the Government has already been considering certain alterations and revisions to the Plan of which I will now make hon. Members aware.

I have referred to the additional money needed to the Changamwe pooling scheme. It is intended to vote to the National Parks, at least to the Minister of Forests, for development for National Parks purposes, a sum of £10,000. This will not meet all the requests of the National Parks Trustees, but it is, I think, as much as we are able to make available at the present moment. On the details of it, I have no doubt my hon. friend, the Minister for Forests, will answer if Members wish to put any questions.

The only other point that I would mention is the possibility of additional expenditure on East Africa House in conjunction with the other two Governments in the territories, but it is as yet no more than a possibility.

Now, Sir, hon. Members will notice, I think, the position which has arisen inside the Plan as a result of the changes. The allocations to Ministers now take on a different form and it might be interesting to go through one or two of them. The Minister for Agriculture now comes to the top of the list with some 19 per cent of the entire expenditure and if, indeed, the £4 million which still remains allocated to the Nairobi City Council inside the revised plan is excluded, as I hope it may be possible to so exclude it, then the Minister's percentage will rise to 19.7 per cent. The position of allocations now as against the old position is shown in Table 2 where I will refer to the main economic ones. The Minister for Agriculture and Water Resources has gone up to 19 per cent. The Minister for Health, Local Government and Housing has dropped to 15.1 per cent. The Minister for Education, Lands and Labour has gone to 16.1 per cent. The

[The Minister for Finance and Development]
Minister for Works has gone to 12.7 per cent, but what shift there has been in the Plan in this Paper is distinct from the original Paper No. 51, has been in favour of the economic projects. The general position of the development estimates and works provision is shown in Chapter 3. Now in Chapter 3, Sir, the Paper deals with the problem that the Government have to face in so far as marrying finance available with spending capacity. That Chapter shows the selective cuts that we have had to make in order to reduce demands on Public Works Department capacity down to the figure of about £2.4 million which, having regard to the other commitments which the Public Works Department faces, is still a little in excess of its theoretical capacity. But it is possible that the volume of agency work will be less than at present anticipated and the margin does leave us some flexibility.

Chapter 4, Sir, of the Sessional Paper is of interest because it deals with the estimated balances and is in that way a forecast of expenditure. Although expenditure in 1954 half-year and 1954/55 was only £2.6 million and £5.5 million respectively, the Government does hope now that the burden of the Emergency work services is falling off and that has been a very distracting thing from the point of view of construction, it does hope that expenditure will be able to climb considerably this year. We may not reach the target but I think it is just possible. If we do this, then 64 per cent of the plan will have been implemented by the end of the present financial year and the plan will have some 34 per cent carry-over for 1956/57. Now, of course, to have kept a perfect balance of expenditure, the plan should only have two-sevenths left for the year 1956/57 which is 29 per cent, but I think the fact that the plan has only fallen behind under the present very difficult circumstances by 5 per cent is, I think, a very satisfactory performance. I would say I must add a warning that we may not reach it, but we have greater hope than before.

The table on page 21, Table 27, will show the estimated balances left with the various departments and schemes at the

1st July, 1956. From that table hon. Members will be able to judge the rate at which expenditure on certain points and schemes has taken place, but I would point out there are a number of schemes and projects, particularly those outlined in paragraph 15 on page 22, as the note says, "where the incidence of expenditure rather than the annual rate of expenditure has determined the size of the balances". That, I think, is obvious because a lot of the allocations referred to there concern single small or fairly small works projects which can be completed in one year and therefore the allocation disappears, or they involve purely financial transactions where there is no works capacity involved at all. In the case of some other allocations, such as Government officers, a balance in excess of two-sevenths means probably that certain projects within the allocation have not yet been started.

When that is complete, Sir, the position will be that at the end of this year the plan for the present period will have one more year to run and in theory a balance, and I say in theory, a balance of £8.1 million will be left to spend. But apart from a limited spending capacity of the country through such things as the limited capacity of the Public Works Department, apart from that, Sir, it is unlikely that sufficient funds will be available in 1956/57 to finance the balance of the plan. The capital gap is between £1.6 and £1.7 million, and if we cannot find the additional funds it will mean that in 1956/57 we shall only be able to spend some £6½ million. Thus we shall have to face the difficult task of cutting next year's Development Estimates from £8.1 million worth of schemes down to £6.5 million worth of available finance. The Government will shortly be drawing up a spending programme for 1956/57 as a basis for the Development Estimates. Hon. Members will understand we are going to be faced with a difficult task and all hon. Members of this Council will be faced with at times a very difficult choice. Now in the decision as to where those cuts must fall, the Government intends to adhere to the priorities which have been laid out both in the Sessional Paper No. 51 and in the Sessional Paper No. 97. First, security buildings; secondly, short-term economic projects; thirdly, long-term economic

[The Minister for Finance and Development]
projects; and fourth, social service projects.

The final matter is that, Sir, hon. Members will be well aware that out of the loan requirements of some £10½ million, it has, up to now, only been possible to raise some £2½ million. That means that we have to face loan operations still, even to achieve what has been listed as available finance, by raising from the capital needed of some £8 million and we shall have to approach the market, both in London and in Kenya some time before the end of the planning period of 1957 to raise loans to make that finance available.

I think I can say, Sir, so far, certainly in so far as our local people are concerned, they have shown no lack of confidence in our future, and I do not believe that the London investor will show any great lack of confidence in our future either. But it is my duty to warn the Council of the possibility of being short of long-term finance even for the carrying out of the £6½ million which at present is the figure to be faced in the Development Estimates of next year. It will, of course, be possible to carry on for some time by the use of short-term finance if the market goes against us, but that would not be a desirable practice to be carried forward for too long a period or to too great an amount.

Thus, Sir, I think the Government can say that in the Sessional Paper which is now laid before the Council, it has again emphasized its faith in the country, its faith in the country's future, it is again emphasizing that economic projects must come first wherever possible in order to develop the wealth of the country from which the fourth priority social service project alone can be developed and maintained.

Sir, I beg to move.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING seconded.

Question proposed.

MR. COOKE: Mr. Speaker, I would like to apologise first, Sir, for the absence of certain Members this afternoon, but the imperative calls of duty of the Civil Service Association, have drawn them away. I would not, of course, be so harsh

as to suggest that the imminence of a General Election next year might have enticed some of them to woo their constituents! But, at any rate, they have asked me to express their apology for not being here this afternoon.

Sir, the hon. gentleman in his usual painstaking way has given us very full details. I wondered whether it was quite necessary to go into so many details as he has gone into because most of what he said really is embodied in this report, and I should have thought that the next time, as he will within a year's time, have to get up again to explain the next revised plan, that it might be advisable, or it might be more convenient, to leave explanations until points are raised on this side of the Council. It might be quite unnecessary to go into so much detail.

The hon. gentleman has made many points but there is not a great deal, I at any rate find necessary to say, because it is really a question of cutting one's coat according to one's cloth, and in this instance there is not a great deal of cloth available, and, as the hon. gentleman has just warned us, a great deal depends on this £8 million loan. The hon. gentleman says that the outside subscribing public have shown great confidence in the Kenya loans and it is very good to hear that, but I am sure they would even show more confidence in the Kenya loans if we would get rid of this wretched rebellion in a much shorter time than we are taking at the moment. I believe also that if we dropped a good deal of these political demands which we are making now and got down to the economic restoration of this country, outside people would also have more confidence in our abilities to pay for and repay our loans.

I was very glad to hear my hon. friend say that they have restored £10,000 to the National Parks Funds, because, as some of us know, the allocations were cut down last year by about £26,000, the allocations of the National Parks. Now the parks are one of the "set-ups" in this country which do pay a good dividend and it would be a great mistake to allow them to get into that condition that they would no longer be an attraction to the public, as very easily they might be if we do not get

[Mr. Cooke] enough money. I realize, as well as the Trustees realize, that if we do not get enough money to keep those parks in the best condition, one might easily be saying the goose—not the goose—the duck, whatever it is—which lays the golden egg will be killed, because it is the money that is provided which makes the National Parks one of the biggest tourist attractions, and that gives this Colony money to pay for other services, such as education and other social services. It would be a great mistake, therefore, to do anything that would do harm to tourism in this country.

I was very glad to hear my hon. friend say that he has restored the water piping schemes to those 16 small townships. It is very necessary indeed that they should have these water schemes, not only in the ordinary interests of the better-to-do people but also in the interests of social services of the poorer classes in those particular township areas.

The Local Government loan of £3 million, which my hon. friend envisaged, I wonder whether he would tell us whether that loan would be raised in Kenya or outside Kenya? If it is going to be a local loan or an outside loan? Possibly it is going to be both.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Would the hon. gentleman give way? Would the hon. gentleman make it clear if he is referring to the Nairobi City Council loan or Local Government Loans Authority?

MR. COOKE: Local Government loan, which is something like £3 million.

There is just one very small point and that is about priorities. Of course we have got to accept the priorities which we agreed to last year, but it is going to be difficult to say what are short-term and what are long-term projects. For instance, I always think that roads are short-term and that the building of good roads are short-term projects. That is a matter, of course, on which we may have a difference of opinion, but I hope there will be no cutting down on the road funds. As it is at the moment, several projects, very necessary projects indeed, have had to be suspended; for instance I mention the Mariakani/Mackinnon

Road section, which was to be tarmac, but there are no funds now for that purpose, and people feel that that is a very necessary amenity.

I beg to support, Sir.

SIR CHARLES MARKHAM: Mr. Speaker, Sir, before I proceed I should like to ask permission to declare interest as required under Standing Order 76, in so far as a company in which it might be said I have an interest has borrowed money from the Industrial Development Corporation.

Sir, I want to raise this question of the Local Loans Authority in as far as—I again should declare interest, being a member of a county council—as county councils are concerned. According to the Sessional Paper there is a sum of the percentage of 62.2 per cent still remaining undrawn from the sums allocated. Now we heard the Minister mention that it would be possible to mortgage up to £400,000 in order to allow local authorities to go ahead with schemes which require planning now.

Well, Sir, I should like to make an appeal to the Minister for Local Government to try and give local authorities some indication as to what money they can expect. I think he will sympathize with me on this, because his department is invariably sending out circulars calling for local authorities to submit their capital requirements, followed a few months later by another circular saying it is a waste of time, there is no money anyway. It does make planning extremely hard in a local authority if we get no indication at all whether we can expect to receive some money or whether we cannot, and of course it does mean, especially with local authorities who are building up, that your staff requirements cannot be short term. They have got to be long term. To build up a technical team for road works or for building does require a certain amount of notice. At the same time, once you have built up that staff, it is essential that they are kept busy with enough work, otherwise you get the unfortunate position of having to dismiss that staff for the sake of economy.

Also, Sir, on the subject of loans, I trust that whatever happens, the amount which has been earmarked for

[Sir Charles Markham]

the Local Loans Authority will be available to local authorities, because it is a matter of urgency that certain schemes, of which the Minister is aware, concerning Nairobi County Council be implemented forthwith, because they are certainly revenue-producing schemes, as opposed to social welfare.

I beg to support.

MR. MATHU: Mr. Speaker, Sir, in supporting this Motion I have only two points I should like to raise, or rather to comment on. The first is in conjunction with the African Housing Scheme. Allocation No. 23, page 36. The last paragraph, Sir, which the Minister quoted, said that these 1,700 persons in the lower income groups will have security of tenure when they move into these quarter-acre plots in the 700 acres. Now what I should like, Sir, to hear from the Minister responsible, is exactly what he means by security of tenure, because we have had that battle before, only this Session, and it is interesting to see it in his Development Programme. The Minister for Local Government, Health and Housing knows how much importance I attach to this matter. Perhaps he would be good enough just to say exactly whether the terms he uses—security of tenure—have the same meaning as they have with me, because I do think if they have it would be a very good thing, because it will encourage these people to make their economic contributions living in homes which they can call their own without fear of insecurity.

The other one, Sir, is in regard to forestry. Allocation No. 31 on page 41. I should like, Sir, to congratulate the Government very heartily indeed on at last deciding to establish a forest training school at Londiani for African rangers. In your other capacity, Sir, before you came to this Council—in your distinguished career of Minister for Agriculture—you will recollect many times in this Council when I have raised this matter when discussing about forestry. It gives me tremendous satisfaction to see that at last Government has found that it will be for the economic good of this country to train their workers in the forest. It says: "The Colony possesses over 120,000 acres of standing plantations and the develop-

ment and ultimate out-turn of these depends on correct maintenance. Ideally, there should be one fully-trained forest ranger per 1,000 acres of plantation, but at the moment only 26 out of the 82 rangers employed by the Forest Department are trained".

I am glad the Government also, Sir, has been very honest in this matter; because that does not show there are very many trained workers in these forests and although they say ideally that you require one fully-trained forest ranger per 1,000 acres, I do think that is too big an area for one trained person. But, as I say, I think later it will be found that you can have more of these trained men per 1,000 acres. I do say, Sir, that it is definitely a move in the right direction in the development of our forest estates and, as I say, Sir, I should like to congratulate the Government for doing so.

I beg to support.

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES: Mr. Speaker, Sir, there are one or two matters that have been raised on which I should like to reply shortly. First of all, may I thank the hon. Member who has just sat down for his congratulations to Government on the establishment of this forestry school. It is, Sir, a thing which is badly needed because we must have, if we are going to expand our forest planting schemes, adequate supplies of trained people, and it is only right that we should train those people of Kenya to do this work.

In regard to his suggestion that more than one forest ranger per 1,000 acres was necessary, I can hardly agree with that. If they are properly trained, they should certainly be able to look after forestry on 1,000 acres.

The other point, Sir, which I should like to refer to, is that raised by the hon. Member for the Coast in connexion with the provision of £10,000 for the National Parks. The hon. Member is a member of the Board of Trustees and he will know that planning by the Board of Trustees went on for some time on the assumption that they had left for this three and a half years' period a matter of £94,000, whereas in fact that was cut down by about £28,000, and when that was discovered a great deal

[The Minister for Forest Development, Game and Fisheries] The money for this period was already committed for development of various kinds within the National Parks. The Trustees therefore, having committed a lot of this money, found that they were going to be very short for the last part of the period and therefore requested further provision. As a result of that request and discussions with the Development Committee, the Development Committee have provided a sum of £10,000 immediately. I hope, moreover, that certain schemes which have, as it were, been put back for review, may come up again during this planning period and that it may be possible still to get something in addition to the £10,000 which has already been granted. Whether we do so or not will no doubt depend partly on the financial position and partly on the case that we can put up, but in this connexion I think the hon. Member will agree that we come within the second category mentioned by my hon. friend, the Minister for Finance, and stand a good chance of getting any money if there is any going.

I beg to support, Sir.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Speaker, Sir, there are one or two points raised by Members opposite. The hon. Member for the Coast asked about the £3-million loan which, although after my interruption he said he meant the Local Government Loans; I am sure he means the Nairobi City Council. The Nairobi City Council will be allowed to borrow another £3 million when the market is favourable. The Council will be allowed to borrow that money on the London market, but the Government has agreed that a certain proportion of it will also be available on the local market. The majority will be the London market.

The hon. Member for Ukamba, Sir, asked a number of questions. It does look a bit peculiar that 62.2 per cent still remains under the Local Government Loans Authority Schedule, but I can assure him that already it is very much less and that within a few months that figure will be dropping very rapidly. It is merely a matter of commitments; the money, we know, is committed to schemes which local government authori-

ties are working out and have worked out and it is just that they have not yet drawn the cash.

I do intend, Sir, to give local government authorities an idea of what they may expect directly this Council has passed this particular plan and we know that we can overdraw to an extent of £400,000, which the Minister for Finance described to the Council. I quite recognize—and so, I think, other hon. Members recognize and Ministers recognize—that staff requirements are long term. This applies, of course, not only to local government authorities, but to other projects as well and I know how awkward it is if authorities do not know what they can expect in the future. However, the Central Government is in exactly the same position and all we can do is to do what we have done in this plan, and that is plan ahead to the extent of committing nearly £1 million more to the Local Government Loans Authority. That will help to provide a long-term programme for the local authorities. The amounts earmarked for local authorities, I am sure, will be available if this plan is accepted.

The Hon. African Representative Member, Mr. Mathu, asked about security of tenure, especially in regard to the Changamwe Pooling Scheme on page 36. This matter of security of tenure in this area, of course, is extremely simple, because the land concerned is freehold; the present owners of it have a secure freehold title and when it has been serviced and sub-divided and surveyed they will have freehold titles back on this land, the only difference being it will be surveyed in quarter-acre plots instead of in the plots they have at the moment. They will have complete and absolute security as they have to-day.

Those, I think, were the only points raised concerning my portfolio.

I beg to support.

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

THE MINISTER FOR FINANCE AND DEVELOPMENT: I thank hon. Members for their support. There is, indeed, very little left for me to deal with, Sir. There is the question raised by my hon. friend, the Member for the Coast, on roads and

[The Minister for Finance and Development]

his request that there should be no cutting down of roads and that roads should be regarded as a short-term economic project. I think, Sir, roads could be agreed as being both short-term and long-term economic projects and the hon. gentleman will have noticed, of course, that in the economies which have been effected to make the additional allocations possible, there has been no cutting down of the road funds; indeed, hon. Members may have noticed that in the table of Funds Spent, the Road Authority is one of those who have spent more than their allocation during the five-sevenths period, which tends to show that they are going to make sure of their money if they possibly can.

On the other points, Sir, there is this question, and one has to think about it, as to whether one should—as I did—deal with a plan in detail. Nevertheless, I feel that when one is dealing with an adjustment of importance to the Development Plan of the country, such as this is, it is wise to place before the Council all the various adjustments and have them placed on the official record so that they are easily available for reference in the days to come. I think the hon. Member for the Coast is well aware that I am not amongst those people who like to speak longer than is absolutely necessary, but I do think these things, when they are important, must be placed on the official record of our Council.

Sir, I beg to move.

The question was put and carried.

BILLS—SECOND READING

THE TRADE MARKS BILL

Order for Second Reading read.

THE MINISTER FOR COMMERCE AND INDUSTRY: Mr. Speaker, I beg to move that a Bill entitled the Trade Marks Bill, 1955, be now read a Second Time.

I think that I shall be able to make my remarks brief in introducing the Bill to the Council. The object of the Bill is to bring into line with modern trade mark practice present legislation in the Colony and to bring it into line with similar legislation that has already been passed in Uganda and similar legis-

lation that I understand is to be passed in Tanganyika.

Now, Sir, the law relating to trade marks is contained in the Trade Marks Ordinance, the provisions of which are based upon the United Kingdom Trade Marks Acts of 1905 to 1919. I mention that to show how necessary it is to bring our own legislation, and indeed other East African legislation, up to date. The Acts that I have referred to in the United Kingdom were repealed and replaced by the Trade Marks Act of 1938. It has been found that there has been great inconvenience and, indeed on occasion, loss to the business community, both of the three territories and those business houses in the United Kingdom trading to this part of the Commonwealth. A trade mark is, in a sense, a piece of property in the sense that it very often represents the result of much advertising, particularly in the case of branded goods; it is essential that the most stringent safeguards are in force to protect the use of a trade mark.

Sir, I do not think that I need explain to hon. Members opposite, or any hon. Members, the importance of a remedy against the wrongful use of trade marks. The reasons why penalties have to be stringent when applied by the courts, the reasons why the remedy must be effective and speedy, are, I think, self-evident.

Mr. Speaker, there are arguments—and they are valid—to suggest that trade marks might well be the subject of inter-territorial legislation. This has not been possible, because the matter is not on the Schedule of subjects dealt with by the High Commission and in view of the debate that was completed earlier to-day, I think it is unnecessary for me to go into the reasons in any detail as to why this particular item is not on that Schedule.

The Bill before the Council then, Sir, is an attempt to bring trade mark practice in the three territories into line with each other and into line with modern practice as defined in the Trade Marks Act of 1938 in the United Kingdom. Now, Sir, I am sure that hon. Members may wish to raise various points. The Bill is a long one. I propose to follow the excellent advice of my hon. friend, the Member for the Coast, and conclude

[The Minister for Commerce and Industry] what I have to say in moving the Second Reading by adding that I will be very pleased to do my best to answer any points raised by hon. Members opposite.

I beg to move.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES seconded.

Question proposed.

LT.-COL. GHERSIE: Mr. Speaker, Sir, there is only one point I wish to ask the Minister, and it was raised by him during the course of the Second Reading of the Bill. He made a statement, Sir, that similar legislation had been introduced in Uganda and similar legislation would subsequently be introduced into Tanganyika. It appears, Sir, that it will be identical in all three territories, but for some reason or other it cannot possibly be put on the Schedule of the High Commission. To me, Sir, this seems a typical case where we have asked for interterritorial legislation and get three different Ordinances. I should like to hear from the Minister why, in a case like this, it is impossible.

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

THE MINISTER FOR COMMERCE AND INDUSTRY: Mr. Speaker, my hon. friend has raised or rather referred again to a point to which I referred. I could not agree with him more, that it would be most convenient if this were a matter for interterritorial legislation. In fact, I believe the hon. Member will remember that this particular aspect of legislation is one which has been referred to in this Council as being a desirable subject for interterritorial legislation through the Central Assembly on a number of occasions. That is a view with which I would agree. Nevertheless, the hon. Member asked me why it is not a matter for interterritorial legislation. I can only say, as did my hon. friend who replied to the major debate on this subject, that we can only draw the attention of the desirability of such an eventuality to our friends in the other territories. Having done so, it is then a matter for them to decide, not for us. If, then, it cannot be a matter for interterritorial legislation

and they have reasons that seem excellent to them, then, Sir, we must adopt in this matter the procedure of parallel legislation, which is why this Bill is before the Council to-day. I am sorry that I cannot answer my hon. friend in more specific terms, but I believe he is just as well aware as I am of the reasons.

The question was put and carried.

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

THE PRICE CONTROL BILL

Order for Second Reading read.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, I beg to move that a Bill entitled the Price Control Bill be now read a Second Time.

Mr. Speaker, the first principle to which we have to address ourselves in this particular Bill, is the requirement of price control as an internal measure of defence for our economy. Price control, Sir, differs from some other matters which have been discussed in this Council, in that it has no external implication, but is an economic weapon used for the defence of the economy in certain times of crisis.

I do not believe, Sir, that any hon. Member in this Council will dispute that a measure of price control is an essential weapon to remain in the hands of a Government during the times through which we are passing at present. If one admits, therefore, Sir, that price control is an economic and internal weapon, one has to see on what our present system of price control legislation is based. At the present moment we derive our powers to control the prices of goods from the Defence Control of Prices Regulations, 1945, from the United Kingdom Supplies and Services Transitional Powers Act, 1945. In other words, although this is a matter, which is of purely internal interest and therefore should be completely within the competence of this Council, we are at the present moment operating on a temporary United Kingdom legislation.

When this Bill was first drafted, Sir, it was expected that the United Kingdom Transitional Powers Act of 1945 would lapse at the end of this year and therefore it became a matter

[The Minister for Finance and Development] of urgency to bring before this Council the question as to whether price control legislation should be placed on the permanent Statute Book or whether we should indeed allow it to lapse as from the 31st of December, 1955. It seemed obvious, Sir, that it was undesirable that the price control powers should lapse at the present moment and that the Government should be left without those necessary powers to control, at any rate, the basic prices of certain groups of articles, particularly foodstuffs.

ADJOURNMENT

THE SPEAKER: It is the time appointed for interruption of business. Council will adjourn until 2.30 p.m. to-morrow, Thursday, the 3rd of October.

Council rose at fifteen minutes past Six o'clock.

Thursday, 3rd November, 1955

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

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—

Investigation into an East African Savings Scheme.

Report of the Income Tax Committee, Kenya.

Sessional Paper No. 6 of 1955: Report of the Income Tax Committee, Kenya.

(BY THE MINISTER FOR FINANCE AND DEVELOPMENT)

MOTION

SUSPENSION OF STANDING ORDERS

THE CHIEF SECRETARY: Mr. Speaker, Sir, I beg to move that under Standing Order No. 168, the Standing Orders be suspended to the extent necessary to enable the Council on its rising to-day to adjourn until 2.30 p.m. on Tuesday the 8th of November, 1955.

I apologize to hon. Members if the notice has been a little short.

LT.-COL. GHERSIE seconded.

Question proposed.

MR. AWORI: Mr. Speaker, Sir, on a point of order, are not Thursdays set aside for the debating of Private Members' Motions? I understood the hon. Member for Ukamba gave notice of a private Motion and it is not on the Order Paper to-day.

THE SPEAKER: I think I can answer that—Government must have reasonable notice in which to prepare a reply and notice of the Motion in question was only given yesterday.

The question was put and carried.

BILLS—SECOND READING

PRICE CONTROL BILL

Debate continued.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, when the Council adjourned yesterday, Sir, I had

[The Minister for Finance and Development]

outlined the fact that the Price Control measure was of course to deal with an internal position and an internal crisis, that therefore it is a matter completely within the competence of this Council, but that we were for some time operating under United Kingdom legislation—the United Kingdom Supplies and Transitional Powers Act of 1945.

It was, as I pointed out, expected that this particular Bill, this particular Act of the United Kingdom, would expire on the 31st of December of this year and, therefore, the bringing in of legislation of this kind if price control was to continue at all, became a matter of urgency. We have, of course, since heard that the United Kingdom Act will probably continue in force for a further year so the matter is not now so urgent. However, Sir, the Government does not consider it desirable that we should continue to depend on temporary United Kingdom legislation for a matter of important internal policy as is price control. For that reason, Sir, this Bill is now placed before the Council.

The policy of the Government during the past few years has been steadily to reduce the amount of articles under price control and the process which has been followed since 1952 can, I think, be best outlined by giving the figures of expenditure on price control. In 1952, the expenditure was £35,312; in 1953 it had fallen to £22,609; for 1954/55 it had fallen to £9,536 and, during the present financial year, it has fallen to £2,000 which consists of payment for the part-time services of two Treasury clerks and two Treasury officers and includes £1,200 for leave pay to Price Control officers who have retired; thus it will be seen that the running cost of price control measures to-day has come down to some £800.

At the same time the run-down of commodities controlled in number has also been proceeding apace. At the end of 1951 some 82 categories of goods were controlled; 50 of these were decontrolled during 1952, a further 10 in 1953 and a further 16 in 1954. Thus the present number of articles operating under price control measure is six and, for the information of hon. Members, I

will list the articles. They are maize and maize-meal, wheat-flour, rice, cement, sugar, charcoal and wood-fuel. In addition to this procedure of decontrolling particular categories of goods, there have been a number of other goods which were controlled by limiting the percentage of profit which could be added, and all those percentage-fixed price-controlled goods have now been removed from control. We have done away, of course, with the price control inspectorate and staff and the work now depends mainly on the Administration, the police and the Weights and Measures Department.

The intention of the Bill is to give statutory cover to the existing price control orders and to give Government the powers that would be necessary if circumstances arise in which it becomes essential to extend price control, and I think hon. Members will be fully cognizant of the fact that such circumstances might arise from time to time.

The Bill does not, of course, go as far in its powers as the existing regulations. Some of the more stringent provisions having been dropped as no longer necessary. For example, the provision in the existing regulation 7, which related to the books of accounts and their preservation, in which it requires a trader to give notice before ceasing to carry on business, has been modified. The provision in the existing regulation 13 which makes it an offence for a trader to store goods in any place other than his own premises, or premises under his own occupation or control without the permission of the Price Controller, has been omitted. The power of the Price Controller to order a trader to deal, or to continue to deal, in essential foodstuffs which was given in regulation 14, the existing regulation 14 has also been dropped, as has also existing regulation 25 (8) requiring a person convicted under the regulation to exhibit a notice specifying the offence or punishment in a prominent place. These were measures which during the war period, and the very difficult period immediately after the war, proved to be necessary in order to defend the economy in general. But, under existing circumstances, they have been omitted as being no longer, we trust, necessary.

Now, Sir, the enforcement of price control, and the history of this country

[The Minister for Finance and Development]

shows it very clearly, has always been a very difficult matter. It is indeed difficult to enforce to-day, even in the small number of goods which are now under price control. I consider that the powers retained in this Bill are those which are essential, I think, in general for the enforcement of the policy. I will not, however, go through the clauses in detail, Sir, as I shall trust that matters on clauses of that kind can be raised in the Committee stage and that in this particular Second Reading we shall only deal with the question of the principle of price control.

Is the control of prices an essential part of Government equipment in the modern world? I believe there can be no answer but "Yes" to that particular question. If that is so, should there be legislation on the Statute Book to enable the Government to enforce at any time that is necessary such measures to defend the internal economy? I believe the answer to that can but be "Yes". Should that legislation be permanent? And, at that point, it may be that hon. Members may feel some doubt in their minds. I, myself, have little or no doubt that there should be this permanent power on the Statute Book because any misuse or abuse of the power can always be challenged by hon. Members in this Council on the Floor of the Council.

In the belief, Sir, that there should be a statute covering the power, not only for our existing situation, but for a situation which might arise, I present this Bill to the Council.

I beg to move.

THE MINISTER FOR COMMUNITY DEVELOPMENT seconded.

MR. USHER: Mr. Speaker, Sir, with great respect to the hon. Mover, I feel that he has sought to impose upon this debate on the Second Reading a stringency that perhaps is not in accordance with the traditions of this Chamber. I understand fully, as do all hon. Members, that we discuss only matters of principle at this stage, but it does seem to me, Sir, that there are a number of principles embodied in this Act and I would ask for consideration of the idea that it is not merely a question of

whether we should have a Price Control Ordinance or not; it goes a little beyond that.

Having said so much, Sir, there are only one or two points which I personally wish to make and I hope that they will not be considered out of order.

In the first place, I would rather like to ask if the Minister would guarantee that the activities of the Price Controller be themselves controlled to the extent of the appointment of the Advisory Committee which can be set up under clause 4. Sir, I think passing from that, that is a standing grievance of the consumer that when prices move up and down, the advantage always lies with the retailer. Whether there is sufficient protection in this Bill, I do not know. From my examination of it, I should say there is and particularly there is the provision in clause 25 (1) (a) which seeks to prevent goods, in certain circumstances, going "under the counter". That is important, but I should like to hear, in reply, that the Minister is satisfied that it gives the consumer sufficient protection.

There is also, Sir, a question I want to raise in connexion with the obligation of a trader to supply invoices in respect of price-controlled goods. This is sought to be made obligatory. I am not at all sure, Sir, whether there ought not to be a provision also that a trader should supply invoices in respect of all goods on demand. That may sound a strange thing to say—I dare say there is provision somewhere in the law, but, if there is so, I cannot find it. I have asked two or three people who I thought might know whether it was the case, and have failed to get an answer. I need hardly, Sir, enlarge on the advantages of such a provision. The obligation to supply such invoices, and to keep a record, which is another very important point, should surely supply very important information to the Price Controller if any commodity comes under investigation by his department, or section.

There is, of course, also, Sir, an incidental advantage in that where there is a large amount of cash trading, a record of that trading would be available and there would be therein a safeguarding of the revenue. That is not within the scope

[Mr. Usher]

of this Ordinance, but there is no reason why the provision should not be put in all the same, because it has an advantage as I am suggesting under the Ordinance itself.

I think, Sir, that before I leave that subject that the mere wording of the clause which deals with this matter—it is clause 12—suggests that it may not be obligatory on a trader to supply this information and to keep these records. Whether that is true or not, I shall no doubt be told.

There is one further point of a general nature which I wish to make, Sir; perhaps I can tie it without offence to a particular clause—that is clause 21—in regard to stoppage-in search of vehicles, and the seizure of goods. I think this clause is very similar to one which appeared in the Bill which this Council was recently discussing—the Trade and Supplies Bill. It seems to apply to any goods at all in a vehicle—not only goods being transported in contravention of any of the provisions of this Order, but any goods. Perhaps an appropriate amendment is "such goods". I apologize for bringing in that bit of detail, but it leads up to the final point I wish to make, Sir. That is, could we have an assurance that the Legal Department will bring this Ordinance, this Bill, into line with the Bill which I mentioned just now in all respects?

Sir, subject to these observations, I beg to support.

MR. CHANAN SINGH: Mr. Speaker, Sir, I support the Second Reading of this Bill but I have a few comments to make on part 9 dealing with evidence and procedure. Sir, I wish to ask whether this part is really necessary, whether the ordinary law of evidence and procedure is not sufficient. After all, this law is not intended for a special war period, but for normal times. The ordinary rules of evidence and procedure should, in my view, be sufficient. Sub-clause (1) of clause 29, Sir, makes the production of an invoice, or a copy of it, even a copy certified by the Price Controller, as prima facie evidence of a sale. There is no objection there. Also the facts contained in such invoice—no exception can be taken even to this, but the clause goes

on to say that such an invoice or copy shall be prima facie evidence of the falsity of the contents of such invoice which the prosecution seeks to prove. I think, Sir, that that is going a little too far.

Again, sub-clause (2) of the same clause, Sir, enables the prosecutor to call evidence in rebuttal of any evidence given by the defence. Here again, Sir, the existing law is, in my view, sufficient to cover any contingency that the Legal Department may have in view. If the defence introduces new evidence, the prosecution is always entitled to call evidence. What I mean, Sir, is that the existing law of evidence and procedure is quite fair and quite sufficient for all normal cases. If it is intended that any extension of the principles of evidence and procedure should be made, that should be done through the Ordinances dealing with these subjects.

MR. SLADE: Mr. Speaker, Sir, in supporting this Motion, I would point out that this is another example of Emergency legislation in the form of Defence Regulations being made substantive law and, as in the case of the Trade and Supplies Bill, which was discussed at length the other day, so in this case we have to be careful that we do not embody in the substantive law any more restrictions on the liberty of the subject or any more variations of the ordinary rules of law and evidence than are absolutely necessary.

Here again, we find certain instances of excessive powers, excessive interferences, with the ordinary rules of law. I will only give one or two examples. Taking clause 15 (1), we find the Price Controller empowered to prohibit, or regulate, the movements of any goods. Well, as the Ordinance is entirely concerned, as far as I can see, with price-controlled goods, it seems quite unnecessary and undesirable to regulate the movement of goods other than price-controlled. One finds a similar point in clause 15 (5), where he is empowered, "to demand, in like manner, from any person in apparent possession of any goods, who alleges that such goods or any of them have already been sold by him, the immediate production of the invoice, contract, or other documentary evidence of such sale".

[Mr. Slade]

Again, Sir, I suggest that that should be limited to price-controlled goods and no harm suffered by anyone.

Then we come to clause 18 (1) (c) where the Price Controller is empowered to certify various things and later on in the clause we find that any certificate of this kind is to be admitted as prima facie evidence of the facts certified.

Well, in clause 18 (1) (c), one of the things that he can certify is the total amount of the overcharge involved in any transaction. Well, Sir, I think that there is something very much more than formal evidence; for which, indeed, provisions such as this are desirable. That is, to certify an amount of overcharge is, in effect, to certify commission of an offence; and that should not be a matter merely of the Price Controller's certificate. That should be a matter of strict proof.

Then we come to clauses 19 and 20 dealing with entry and search warrants. We find provisions similar to clauses 14 and 15 of the Trade and Supplies Bill with which we quarrelled the other day; and the objections to these clauses are just the same, Sir, as those stated in that debate.

Then, coming to paragraph 1, as the hon. Member for Mombasa has pointed out, we find again the same objectionable feature with regard to seizure of goods found in vehicles; quite regardless of whether they are price-controlled goods or anything else, and that should be curtailed in the same way as Government has agreed now to curtail the power conferred by the corresponding clause in the Trade and Supplies Bill.

Then, Sir, you come to part 9 dealing with evidence and procedure. I fully support what has been said by the hon. Member for Central Area. These matters are very important, Mr. Speaker, and I join the hon. Member for Mombasa in asking Government to give us an assurance that without wasting further time in this debate, the Bill will be very carefully examined, with a view to Government initiating suitable amendments of these objectionable features at the Committee stage.

I beg to support, Sir.

SIR CHARLES MARKHAM: Mr. Speaker, Sir, I have only one point to make on

this Bill and that concerns section 25 about this question of refusal to sell price-controlled goods. I think, Sir, there have been complaints published in the Press and also have been aired at meetings about the inability of the African to buy goods which are price controlled—such as maize-meal and sugar. This particularly applies, of course, to being able to buy at the controlled price. So often the reply has been that the goods are not available. I am wondering, Sir, whether that course could not be strengthened in order to enforce the sale because I, not being of the legal fraternity like my hon. friend who has just spoken, am not quite certain, Sir, whether clause 15 (5) (b) could be interpreted by a layman.

Then, Sir, I think there should be some clause in this Bill to allow the person who has been wronged—who has paid a higher price for his sugar or maize-meal—to lay evidence before the Price Controller. At the moment a lot of Africans are reluctant to go into court, especially again, thanks to my learned friend's profession, he might get tied up in a court of law; although he has a perfectly justifiable complaint, he is frightened ever to go into the witness-box and give evidence. I am wondering, Sir, whether the Minister could not strengthen this Bill by allowing those people who have been deliberately overcharged and there are many cases which I have endeavoured to bring to the notice of the rather defunct Price Controller, but when it comes to a court of law, it is extremely difficult to produce the evidence enough to get a conviction and, Sir, my suggestion would be if there are sufficient complaints concerning a particular retailer, the Price Controller should have the right to withdraw the licence from that retailer.

Subject to those comments, Sir, I beg to support.

THE SPEAKER: No other hon. Member wishing to speak?

MR. CONROY: Sir, various hon. Members have asked whether the Government would be prepared to give an undertaking, at this stage, that the Bill should be considered so that when we come to the Committee stage, those matters which prove to be objectionable in the Trade and Supplies Ordinance and which may be repeated, or may appear

[Mr. Conroy] to be repeated in this Bill, should be amended to remove any cause of objection.

Sir, I give the undertaking on behalf of Government that we will examine the Bill very carefully, and having listened to the arguments put forward by the hon. Members on the other side of this Council, I think that in most cases the Government will be able to meet the objections which they have raised, and to introduce amendments on the Committee stage which will deal with the particular points to which they drew attention.

Sir, the difficulty with this type of Bill is on the one hand to preserve the liberty of the subject, and on the other to preserve the rights of the purchaser. I was pleased to hear that some of the hon. Members suggested that the Bill should be strengthened, on the other hand some of the hon. Members thought that the Bill should be made not quite so wide in the powers which it gave to the various officials concerned with price control enforcement. Sir, both points of view will be borne in mind by the Government in considering whether the amendments which have been put forward can be properly introduced into the Bill without drawing the teeth of the Bill so as it makes it incapable of blighting those persons who sell goods beyond controlled prices.

THE SPEAKER: If do other hon. Member wishes to speak, I will call on the hon. Member to reply.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, my hon. friend, the Solicitor General, has conveyed to the Council the general feeling of the Government on this Bill. I would like, Sir, only to deal with one or two points that have been raised.

In so far as my hon. friend, the Member for Mombasa, is concerned, I take it that what he is asking me is, will I give him an assurance that an advisory committee will be appointed. The answer is yes. The moment that it appears that there is any necessity for any extension of activity at all, an advisory committee will operate. He asked me, Sir, if the Bill gave the consumers sufficient protection against goods under the counter, referring in particular to clause 25 (1) (a). My hon. friend, the Member for

Ukamba, also dealt with the same clause with regard to clause 25 (1) (a) and (b). It is, Sir, one of the distressing things of black market that, of course, the retailer does cover himself by refusing to sell goods, except perhaps to those people whom he knows are willing to pay a price higher than the controlled price, and the Bill is designed to give the police, the Administration and whatever price control organization exists at the moment, because I have endeavoured to point out to hon. Members that there is really no price control organization operating at the moment because of economic reasons. It is designed to give them the power to compel a retailer to sell. That, Sir, of course, is the real reason for the clause that some hon. Members find objectionable, clause 19 (1). Anyone who has had experience of price control knows very well that if a price controller or inspector in a case such as the refusal to sell sugar, has to go and get a warrant before he searches the premises of the retailer to know whether the sugar is on the premises or not, what will have happened by the time he returns with the complaint, so I do beg hon. Members to remember that there is a fundamental difference between this and the Trade and Supplies Bill. This is a matter of endeavouring to protect the internal economy of the country and carry out a policy with regard to certain goods of protecting the consumer, the local citizen. Whilst I am as anxious as anyone, Sir, that there shall be no impingement on the liberty of the subject in matters such as those set out, certain points in the Bill, let me say quite bluntly that if we are to weaken it to a tremendous extent then we shall get ourselves in the ridiculous position of having a law on the Statute Book which is completely incapable of enforcement, and I do beg hon. Members—I see the hon. Member for Aberdare wants to speak.

MR. SLADE: I thank the hon. Minister, Mr. Speaker, I think he has misunderstood what we were suggesting with regard to clause 19, which I only suggested here by reference to what we said on the Trade and Supplies Bill. What we said there, and what I suggested doing here, is not that clause 19, which is the power of search without warrant, should be deleted; but that it

[Mr. Slade] should be qualified, so that the power is only exercisable in cases of emergency, where it is likely that obtaining a search warrant would defeat the object by delay.

THE MINISTER FOR FINANCE AND DEVELOPMENT: I thank the hon. Member for Aberdare for that explanation, Sir. That and the principle that it should only apply to price-controlled goods are two principles which I would be able to accept, of course, quite willingly.

There is a third point, Sir, which hon. Members may wish to consider, I think I have no other points to deal with, and that is that, of course, if in the Committee stage hon. Members find that in order to keep the Bill and the power of price control completely effective, at the present moment, the Bill must retain some features which might be regarded as objectionable, I think the Government would be perfectly prepared to consider putting this Bill on an annual basis so that it should come before the Legislature for consideration each year.

Sir, I beg to move.

MR. USHER: I rise to my feet, Mr. Speaker, to try to ask for an answer to one other question.

THE SPEAKER: You cannot ask a question; you can only explain what you yourself have said.

THE MINISTER FOR FINANCE AND DEVELOPMENT: I think, Mr. Speaker, the hon. Member is trying to explain that I have not answered one of his questions.

MR. USHER: If I may say so, I think—

THE SPEAKER: I cannot allow questions across the Floor of the Council.

MR. USHER: Might I repeat that the hon. Minister did say that he thought that he had dealt with all the questions raised—

THE SPEAKER: Perhaps the hon. Minister in charge of the Bill can remember the point?

MR. USHER: It is the question, Sir, of whether he would consider importing into the Bill also a provision that invoices should be supplied in respect of non-price-controlled goods on demand?

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, I think that that would be something which would require extremely serious consideration. I do recognize the feeling that the consumer has that this is desirable in many cases, but I do feel that we should restrict the activities of compulsion to those things which are absolutely necessary. If goods are placed under price control, then I think the compulsion is proved absolutely necessary. If goods are allowed to remain free of control and therefore free in supply and the competition of ordinary economic activity prevails, then I feel we should think very seriously before we moved further into the field of compulsion. I think that is a point with which I am sure my hon. friend, the Member for Aberdare, would agree, because I think that, appealing as the point made by the hon. Member for Mombasa is, it has, I think, very grave dangers in the extension of compulsion, unless compulsion is judged necessary by this Council and by the Government in its activity of economic internal defence.

The question was put and carried.

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

THE SPEAKER: Before the next Order is taken I would like to explain to hon. Members why I have been rather difficult over the question of interrupting the Member who is in possession of the House. It seems that comparatively recently a custom has grown here whereby any Member seems to think that it is in order for him to interrupt the Member who is in possession of the Council in order to inject a further argument or to ask a question. That, of course, is entirely opposed to the custom of the House of Commons. All a Member can do is, if the Member who is in possession of the House gives way, he can then rise in order to explain more fully something he personally has said in the course of the debate. He cannot rise to inject further arguments or to ask questions. I am just explaining that because I am quite certain I am abiding by the House of Commons procedure and I want Members to understand why I have been difficult over this matter once or twice recently.

THE PENAL CODE (AMENDMENT) BILL
Order for Second Reading read.

THE MINISTER FOR LEGAL AFFAIRS: Mr. Speaker, Sir, I beg to move that the Penal Code (Amendment) Bill be now read a Second Time.

This Bill, Sir, for the most part contains provisions for permanent incorporation in the Penal Code, which have, during the Emergency, been incorporated in that Code by way of Emergency (Amendment of Laws) Regulations, and which, during their operations in the Emergency period, have proved their value and their desirability as permanent features of the Code.

I do not want to go, in this debate, Mr. Speaker, into too great detail in the Bill, but in view of what I have just said I should perhaps just explain that in regard to clause 2, paragraph (b) thereof, the definition of "publication", which is a wider definition than exists at present in relation to sections 53 to 60 of the Code, which in turn relate to the banning of importation of publications, seditious publications and the like, this definition of "publication" has not, during the Emergency, been attached to those particular sections, but it has been attached to another part of Emergency legislation, namely regulation 7A of the main Emergency Regulations, which has dealt, during the Emergency, with the proscription of subversive publications. It is a wider definition than at present exists in the Code and it includes various means, not merely for reproducing the written word, but for reproducing spoken words.

Again, in regard to clause 12, which incorporates a new section, 219, into the Code relating to threats to kill, subsection (1) of the proposed new section has indeed been part of the Emergency law during the Emergency, but subsection (2) has been added as a precaution in normal times against unwarranted charges involving oral threats to kill which can, of course, be very easily made and not very easily demolished.

Now, Sir, there is one further small point, in regard to clause 13. I have given notice of an amendment which I shall move in Committee. The clause has been somewhat corrupted in printing and, in fact, a whole line has been left

out which I shall move to restore at the Committee stage.

For the remainder, except the few clauses which I will mention in a moment, the principle is one of reproduction in the permanent law of the Colony of certain Emergency amendments. Now, Mr. Speaker, clause 9 is not related to Emergency legislation. It proposes, in effect, the abolition of the discretionary death penalty for the offence of rape. Now discretionary death penalties are open to considerable objections of principle. Judges all over the world resent the fact that when the law prescribes a discretionary death penalty, the responsibility is pushed entirely on to the judge's shoulders, and their view, as has been represented on a number of occasions elsewhere, is that the Legislature should make up its mind whether an offence is to carry the death penalty or not and should not attempt to pass that very onerous and responsible decision on to the shoulders of the judges. It is, in fact, an attempt, or is regarded by the judges as an attempt, to make the judges legislate in regard to each particular case, whereas their true function is to interpret and apply the will of the Legislature to each case. There is also the objection—which it is difficult to judge the weight of, but it is an objection—that if an offence like rape is subject to the death penalty, then there is the danger that the offender—the person who commits the offence of rape—may feel that he has nothing to lose if he goes further and murders his victim. In most countries of the world and in the other East African territories, the discretionary death penalty for rape has already been abolished and this Bill proposes similar abolition in Kenya. The offence would then be punishable with life imprisonment—imprisonment up to life imprisonment.

Clauses 10 and 11 of the Bill deal with prostitutes and women of immoral character other than prostitutes, and it proposes to afford to such women the protections which the law affords at present to other women against procurement for white slave traffic and against compulsion to sexual intercourse. It is, in so far as we are concerned, an academic exercise of principle, in which we bring our law into line with that in most other civilized countries and particularly into

[The Minister for Legal Affairs] line with the United Kingdom law in which a similar amendment was introduced in 1951.

Clause 14 has no relation, again, to Emergency legislation but it fills a gap in our present Penal Code. It deals with the case of death caused by negligence in circumstances which fall short of manslaughter. By reason of a line of cases, manslaughter, in order to be proved, involves the establishment of a very high degree of negligence, and in many cases in which death results, that high degree of negligence is not present. As our Code stands to-day, where it is not possible to establish that very high degree of negligence required for manslaughter, we are reduced where there has been negligence to charging what, in the circumstances, is to a large extent a fictitious offence, namely, dangerous driving, which has no relation to the death of the person, or a charge of causing the dead person hurt. Now it seems—and I think the Council will agree—somewhat fatuous to charge a person with having caused another person hurt, when, in fact, his negligence has caused that other person's death. This new section which prescribes an established offence that has stood the test of many years in the Penal Code of India as applied not only in that country but in many countries of the Empire, this section supplies that intermediate offence in regard to the causing of death by a rash or negligent act which does not amount to manslaughter.

Clause 15 merely inserts a consequential amendment and clause 16 corrects what was in fact a printing error when the Revised Edition of the Laws—the 1948 Edition—was printed, and adds a definition of "document of title to land" in order to confine the limits of the sense in which that phrase is used in the Code, in fact in section 346.

As I say, Mr. Speaker, those are the principles of the Bill—first the reproduction as permanent features of our criminal law, of Emergency amendments which have established themselves during the Emergency as both valuable and desirable and, secondly, to make the few amendments which I have adverted to specifically.

Mr. Speaker, Sir, I beg to move.

THE MINISTER FOR COMMUNITY DEVELOPMENT seconded.

Question proposed.

MR. CHANAN SINGH: Mr. Speaker, Sir, I support the Second Reading of this Bill. There is only one matter to which I wish to refer. The Bill does widen the scope of the Law of Seditious. Seditious, Sir, is a sort of political offence and most often there is not that degree of moral turpitude attached to it, as to other offences.

Well, Sir, here it should be remembered that in dealing with persons who are charged with seditious, there is a distinction in the kind of procedure followed. Non-Europeans are charged before a magistrate and can generally be convicted and sentenced by him, whereas Europeans, if they so elect, can be tried before a Judge of the Supreme Court with a jury. Now, Sir, that makes a difference in practice to the punishment that is awarded in these cases. I think the time has come when the Legal Department should give consideration to the implications of the existence of the jury system so that, at least, in these offences—offences like seditious—either no person shall have the advantage of a jury or all British subjects shall have it.

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

THE MINISTER FOR LEGAL AFFAIRS: Mr. Speaker, Sir, this Bill in so far as it relates to seditious, widens the field only in regard to the medium for the conveyance of the seditious words; and in that respect, in so far as it adds to seditious by the printed word seditious by mechanically, or electrically reproduced words, apart from oral seditious, in so far as it does that, then it seems to me wholly logical and just that it should do so. I fail to see that there is any rational distinction between a person who publishes a seditious pamphlet and another person who distributes a seditious gramophone record. In so far as my friend has pointed to that distinction, he has, in my view, sustained the logic behind this amendment. I do not intend to embark with him on an argument as to the procedure by way of jury trial or summary trial before a

[The Minister for Legal Affairs] magistrate in cases of sedition, but I would remind him, where he says it affects the question of punishment, that he is quite mistaken. The punishment for sedition, under section 58 of the Code—maximum punishment is well within the jurisdiction of all except the most subordinate magistrate, and it matters not whether the Supreme Court or a magistrate awards punishment in sedition, the field of punishment is the same for both courts for all practical purposes.

Mr. Speaker, Sir, I beg to move.

MR. CHANAN SINGH: On a point of explanation, Sir, may I say I did not say there was any actual difference between the punishment in those cases, but the fact is that one accused is tried by a jury, whereas the other accused is tried by a magistrate. In practice the punishments are likely to be different.

THE MINISTER FOR LEGAL AFFAIRS: If I may just answer that, Sir, I strongly maintain that the hon. Member is wholly mistaken about that. I cannot think that the Supreme Court would award any greater or lesser punishment merely because the verdict was that of a jury than would a magistrate on the same facts in a summary trial. I am not prepared to accept that as a fact.

MR. CHANAN SINGH: When the verdict has been found—yes.

The question was put and carried.

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

THE SEEDS BILL

Order for Second Reading read.

MR. RODDAN: Mr. Speaker, I beg to move that the Bill entitled an Ordinance to make better Provision for the Testing, and for the Control of the Sale, Import, Export and Use of Seeds be now read a Second Time.

Before I speak to the Bill, Sir, I would like to apologize to you and this Council for the absence of my hon. friend, the Minister for Agriculture, who felt it his duty to attend the funeral this afternoon of the unfortunate victims of the savage murder at Nakuru yesterday.

Before I speak to the Bill in front of the Council, Sir, I think I should try to explain why it has been necessary to replace the Ordinance which already exists—the 1948 Seeds Bill. During the last war, Sir, many of the countries in Europe—particularly in the Mediterranean areas—who were the big seed producers before the war, were put out of action and, at the end of the war there was a serious shortage—a world shortage—of seeds, particularly vegetable and flower seeds. Stimulated, Sir, by large seed concerns—or large seed firms—a number of colonial territories, including Kenya, believed that they might at that time cash in on what had been a profitable market and themselves develop an extensive export trade in seeds. The Bill, Sir—the 1948 Bill—was designed to foster the development of such an industry, and that Bill did, because the production of vegetable and flower seeds is a very exacting business, that Bill did contain some stringent clauses, an instance of which, I think, is given in the Memorandum of Objects and Reasons, on page 11, where it says that inspectors could enter land adjacent to a seed-grower and order the owner of such land to uproot any crops which might endanger the crop being grown by the seed grower.

That is only one of the restrictive clauses, Sir, and I suggest that the Council to-day would probably not favour such restrictive legislation.

In the event, Sir, the 1948 Bill was never brought into operation, and the hope for an extensive export trade in vegetable and flower seeds did not, in fact, develop. What has developed, Sir, is a very strong demand, and a great need, in Kenya for a reliable, reputable supply of seed for internal use, and it is to meet this demand, Sir, that the present legislation is before the Council. The demand I speak of, Sir, applies not only to horticultural seeds, but more particularly to cereal seeds, grass seeds and legume seeds. I should perhaps make it clear, Sir, that the present Bill will still protect our small but developing export trade.

As explained in the Memorandum of Objects and Reasons, Sir, this Bill seeks to do four main things. It seeks to prohibit the importation or sale of seeds or

[Mr. Roddan] seed potatoes containing injurious weed seeds. It prohibits the export of seed from Kenya, other than Government-certified and Government-tested seed. It provides for the registration of seed firms and seed growers; and it also provides for the testing and certification of seed and seed crops.

I think the Bill is fairly clear, except possibly on clause 7, where hon. Members opposite might have some mis-giving. Clause 7, Sir, makes it an offence to buy or sell seeds which contain injurious weed seeds, and hon. Members could quite justifiably ask themselves how is the buyer or seller to know that the seed does, in fact, contain injurious weed seeds. Well, firstly, Sir, I would suggest that seldom are all offenders against a particular law ever brought to book, but that does not remove the need for the law. It is clearly impracticable to check on every small transaction of this nature, but if I might illustrate what could happen, I think hon. Members might agree that the need for this clause exists. If the hon. Member for Mau, for example, ordered rye-grass seed from a reputable seed concern, and then found that the seed did, in fact, contain a high percentage of darnel, I think he would agree that this concern should be punished for that offence, and it is to meet circumstances like that that this clause does exist in the Bill. The restraining influence of the law is, I think, necessary.

In conclusion, Sir, I would like to say that this Bill has been considered and welcomed by the Board of Agriculture, by the Seeds Committee of the Kenya National Farmers' Union and by local seed firms. I will do my best to answer any questions which may arise.

Mr. Speaker, I beg to move.

THE MINISTER FOR COMMUNITY DEVELOPMENT seconded.

Question proposed.

MRS. SHAW: Mr. Speaker, Sir, I would support this Bill, for I do think it is very important to ensure the quality of our seed, both for export and import, but I would sound a note of warning and, in support of this warning, I would quote the disastrous result of Government control exercised over the Importa-

tion of tea seed a few years ago, for control was brought into force—rightly—when a tea disease called blight appeared in India, and the importation of seed from India was completely stopped—also rightly. As Kenya, in the developing stage of the tea industry does not supply—or cannot supply—their own needs as regards tea seed, tea seed had then to be imported from either Uganda, the Congo or Tanganyika Territory. The Agricultural Department—again rightly—in order to protect the industry from the possibility of this very serious disease coming in from any of these territories, insisted that the tea seed thus imported should be examined by the Scott Laboratory, or some other agricultural department, before it was allowed to be sent to the buyer—passed on to the buyer, but it was as a result of this that the disaster which I am quoting, as a warning to Council, occurred, a disaster which meant a loss in one year of some 800 acres of tea being planted in Kenya—a disaster caused entirely through the compulsory fumigation of this seed in the Scott Laboratory, but for which Government would admit no responsibility whatsoever.

Now, sixteen thousand pounds worth of seed, in weight—of tea seed—was fumigated with methyl bromide, which completely killed the germinating power of this seed, and that caused a financial loss to Kenya growers of some Sh. 80,000—that is taking tea seed at Sh. 5 a pound, and I cannot remember if it was at that price then, although I rather think it was more than that because of the embargo on alien seed, which caused the price to go as high as Sh. 10 a pound—but I am not absolutely clear about that point. As seed is sold ex-estate on the market, this was a very heavy financial loss to Kenya growers, many of whom were in the developing stage, and could ill afford such financial loss. I believe I am correct in stating that the planters' contention of Government's entire responsibility in this matter was upheld by the Kenya Tea Research Institute, who carried out the tests on the spot, for viability after the seed had been fumigated.

In view of this, Mr. Speaker, I urge the Government that, if they are to have complete control over the importation of

(Mrs. Shaw) seeds—their testing and possible treatment by fumigation—that they should also accept some responsibility for loss or destruction—of viability. If this can be proved—as it was in the case that I have just stated to have been entirely Government's fault—then I should like to know if, in the Committee stage, it would be possible to ask for the insertion of some such clause protecting the buyer—in this Bill—protecting the buyer from such a loss, which would be a very heavy one—and certainly was a very heavy one in the case of the tea seed, both financially and in the loss of time.

MR. CROSSKILL: Mr. Speaker, I rise to support the Bill. I do hope the hon. Director of Agriculture will have a satisfactory solution to the problem which has been raised by my hon. colleague from Nyanza, and certainly, if it is compulsory to fumigate seed, there must be some onus on Government.

I suggest, also, Sir, that Government should, in addition, carry out germination tests, before they fumigate or condition the seed, and make certain that this seed was in good condition before they carried out the process.

The provisions of this Bill are welcomed by the Kenya National Farmers' Union. They are very necessary for the protection of the industry—both the protection of buyers in this country, and the protection of exporters. Now, there is a growing industry for the production and export of seed. Conditions in many parts of this country are very suitable indeed, and it is very necessary to ensure that poor quality seed is not exported, in order that we here in Kenya may build up a good reputation for high quality seed. There are already at least four seed firms established in Kenya which, I think, is a promising indication of their interest in this new industry.

I would only add, Sir, that an amendment to the existing Ordinance was requested about three years ago. It was then decided that it would be preferable to produce a new Bill, but I do hope this delay is not an unhappy augury for the industry, in that this Bill has taken three years to germinate.

I beg to support.

MR. SLADE: Mr. Speaker, the hon. and gracious Member for Nyanza has raised an issue which I hope Government will accept openly as a matter of principle—of general principle: that is, where special powers are conferred upon officers of Government, and those powers are exercised negligently to the detriment of a member of the public, there should be some responsibility to compensate the members of the public for such negligence. It arises in the case to which she refers, and many others, but I do not see that the principle has been generally accepted as yet.

It is true, Sir, that Government must have some kind of powers of dealing with the property of individuals, for reasons such as this Bill contemplates. It is true, also, when you give powers to officers to do these things, you must indemnify them from loss which results merely from the exercise of their discretion—a bona fide exercise of their discretion. I am not suggesting that an officer should be responsible merely because of the fact that the exercise of this discretion involves loss. But when he exercises this discretion and is careless, and loss results, then, Sir, compensation should be paid.

I beg to support the Second Reading.

MR. CONROY: Sir, I am not quite clear as to the point which is being made by the hon. Member who has just spoken. Is he suggesting that where a Government servant is negligent in the performance of a statutory duty, that that officer should be liable, in accordance with the normal law of negligence, and that the Government should stand behind him, as it does in a case where a Government servant has been found responsible for a civil offence in court? If that is so, Sir—if that is the question which is being asked, then it seems to me that the answer is contained in clause 17 of the Bill.

That clause, Sir, says that no suit, prosecution or other legal proceedings shall lie against any officer for anything done in good faith and without negligence. The implication must be, Sir, that if it is done either in bad faith or with negligence, then the officer is liable, and that is how I read the Bill, and that is, I understand, the Government's position in the matter. The position of a civil

(Mr. Conroy) who exercises statutory power under this Bill, in the absence of any indemnity given by the Bill, is that he is responsible for negligence, and, I think, Sir—with the greatest respect for the hon. Member for Aberdare—that that is so.

Sir, I beg to support.

Mrs. SHAW: On a point of information, Mr. Speaker, may I...

THE SPEAKER: No. Unless you are rising on a point of explanation, which is what I suggest the hon. and gracious lady is perhaps intending.

Mrs. SHAW: I wanted to explain that I was not referring to an individual. If I might explain, I was not referring to an individual, I was referring actually to a laboratory who carried out a fumigation test with methol bromide, which killed the germinating power of tea seed, and therefore no individual, as such, was responsible for negligence in any way. It was the department that was at fault—the Government department that was at fault—through lack of research.

MR. CONROY: Sir, I think the answer is that departments do not do things. It has to be an individual who does it, and any liability falls on him. A department of Government is asked normally to put up a defendant by name, who is sued, and Government stands behind him if the officer was acting in the course of his official duties.

I cannot advise about something that happened under another piece of legislation, which is not now before the Council, but it seems to me, if the same circumstances arose as those to which attention has been drawn to-day under this Bill, then I think I would have grave difficulty in advising the officer what defence to put forward if he really were negligent, Sir.

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

MR. RODDAN: Mr. Speaker, I would just like to thank hon. Members opposite for their support given to the Second Reading of this Bill, and, if I may, Sir, just comment on what the hon. and gracious lady, the Member for Nyanza,

She started off by saying that she wanted to sound a note of warning where Government intended to exercise control over the import of seed. If she read this Bill, she would see that Government does not intend to exercise control over the import of seed. The only control that is exercised by Government in this Bill is to protect the public from getting seeds which contain injurious weeds. There is no other form of control, and the matter, Sir, which she raised in connexion with the tea seed has nothing whatever to do with this Ordinance at all. The action taken which she complains of was taken under the Plant Protection Ordinance, which is a completely separate piece of legislation, designed for quite a different purpose.

The actual facts of the case are that our entomologists knew that the Tanganyika tea seed carried a serious pest of tea, which was not known to exist in Kenya. They therefore advised that all tea seed from Tanganyika should be fumigated before it was used in Kenya. At that time the only method known of fumigation was the use of methyl bromide, and it is not correct to say that we were not up to date in that, because neither the Tea Research Institute in Kericho nor anybody else in the world could tell us of any better method than the use of methyl bromide. We had to carry on and do some research ourselves, and find out the better method, which was not then known to the world.

I do admit, Sir, that a considerable quantity of tea seed was, in fact, destroyed by this method, but if that tea seed had gone out to Kericho, and had been planted, and had introduced a serious pest into the tea industry, I think the bricks that would have been thrown at the department would have been much bigger ones than the ones thrown to-day by the hon. and gracious lady opposite.

Mr. Speaker, I beg to move.

The question was put and carried.

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

THE CUSTOMS TARIFF (AMENDMENT) BILL
Order for Second Reading read.

MR. MACKENZIE: Mr. Speaker, Sir, I beg to move that the Customs Tariff (Amendment) (No. 2) Bill be now read a Second Time.

There is very little, Sir, to add to the Memorandum of Objects and Reasons attached to this Bill, which sets out the reasons for it very briefly and clearly. As hon. Members know, the position under the existing tariff is that bona fide baggage—the property of, and accompanying a passenger—not including goods for sale, shall be admitted duty free. Well, Sir, the customs officers have instructions under which they must work, and these instructions provide that import duty will not be levied on, among other things, cigars, sheroots, cigarrillos, cigarettes, snuff or tobacco, provided they do not exceed one-half pound in weight, in the possession of any passenger over the age of sixteen.

Well, Sir, this particular provision at the present moment covers short voyages by sea or air to one of the islands off the East African coast, where the customs duty is quite different from the duties levied in the main territories. It is considerably lower, and visits there are quite often made during the course of air flights between one point and another point in these territories. Anybody who either makes a regular flight, or who calls there during a voyage between—shall we say—Nairobi and Dar es Salaam, has the opportunity to buy half a pound of tobacco or 200 cigarettes every time, and that is to the detriment of the revenue to the extent of quite a considerable amount—several thousands of pounds—so far as the two seaboard territories are concerned. It is considered, Sir, that in present circumstances there is no justification at all for allowing this loophole to continue, and in those circumstances it is proposed to close the loophole.

Sir, I beg to move.

THE MINISTER FOR FINANCE AND DEVELOPMENT seconded.

Question proposed.

MR. USHER: Mr. Speaker, Sir, this seems to me quite a deplorable Bill, and it was moved with an air of innocence by the hon. Member, which I think he ought to explain. It is a most peculiar measure altogether. It is—as he has indi-

cated—the practice of good citizens who live at the Coast occasionally to go down to see their friends in Zanzibar, or their business acquaintances in Dar es Salaam, passing through Zanzibar. They will naturally buy a packet of 200 cigarettes, done up in gold paper and looking very Christmassy, to give to their hostess. On the way back they do the same thing, and present it to their wives.

Now, this is a most harmless form of sport, Sir, and it is a spoil-sport measure which I find very difficult to stomach.

It is almost a financial Motion, by the way. We have heard several thousands of pounds mentioned, and the hon. Member really seemed to put it forward with an air of injury, as if he was safeguarding the revenue. What, in point of fact, he seems to me to be doing is getting a great deal of revenue which he saw no signs of getting otherwise. I hope in his reply he can be a little specific as to the amount by which our coffers are supposed to be enriched.

MR. TYSON: Mr. Speaker, Sir, this Bill introduces a method of giving discretion to the Commissioner of Customs in connexion with this particular traffic, but I would ask the hon. Member when he replies to tell us whether it would be possible for this discretion in the hands of the Commissioner of Customs to be extended. There are cases which constantly occur where pieces of machinery which, under normal circumstances, would be imported duty free, are chargeable with duty because the Commissioner considers they might be used for some other purpose. This has occurred in connexion with portions of machinery imported by concerns like the East African Power and Lighting Company, and some of the drilling companies, and I would suggest, Sir, that if we are going to give discretion to the Commissioner of Customs in a case such as that presented to-day, possibly the Bill could be amended so as to extend the discretionary powers in the hands of the Commissioner to cover cases such as I have referred to.

Otherwise I support the Bill.

MR. SLADE: I do submit that this Bill introduces a very bad precedent. We, in this Legislature, lay down what duties are to be levied and to go on and say

[Mr. Slade]

that the Commissioner should decide when they are to be levied and when not, it, to my mind, Sir, most undesirable.

On principle, I oppose this Motion.

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

MR. MACKENZIE: Mr. Speaker, Sir, I am extremely hurt that my hon. friend, the Member for Mombasa, should call me a spoil-sport. If I am that I am very sorry. The fact is, however, that there is a considerable amount of revenue involved—I cannot say the exact amount because one naturally will not know that until it begins to be collected—but from the evidence that it has been possible to gather so far, it does run into several thousand pounds in so far as the seaboard territories in East Africa are concerned.

As regards, Sir, the question of the discretion of the Commissioner which was referred to both by my hon. friend, the Nominated Member, Mr. Tyson, on this side of the Council, and by my hon. friend, the Member for Aberdare, I am advised that in the United Kingdom, and in many other countries, the power to exempt these goods—tobacco, etc.—from the payment of customs duty when brought in by travellers is purely discretionary and has no legal backing whatsoever. That, Sir, is what I am advised.

As regards the other point which was mentioned by my hon. friend on this side of the Council, I think it would be very difficult to extend the discretion to deciding whether a particular article of machinery should have duty paid on it or not. The fact is, Sir, that normally the tariff is so worded in order to ensure that there can be no mistake about the nature of the article, and, once having been described, duty must be paid. The practice of levying duty, looking at the end use of an article instead of what the article actually is, would make the administration of the tariff quite impossible.

There is, Sir, one final point that I would like to make about this matter of discretion if I could return to the actual objects of this particular Bill, and that is that the Commissioner will

I am sure exercise this discretion in respect of all normal entry from outside the East African area, and I think I can give an assurance that in no way is it intended that the discretion here given will be exercised any differently from the manner in which it is already exercised in all the countries in which it exists at the present moment.

The question was put and carried.

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

MOTION

GUARANTEE OF ADVANCES BY BUILDING SOCIETIES—

(Governor's consent signified)

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Speaker, I beg to move the following Motion:—

WHEREAS under existing conditions the amount which building societies will advance for the acquisition or building of houses is normally limited to a percentage of the assessed value of the property:

AND WHEREAS it is considered desirable that such percentage be increased so as to assist members of the public more easily to build or acquire houses:

BE IT RESOLVED that the proposals contained in Sessional Paper No. 13 of 1955, designed to increase borrowing facilities from building societies for the acquisition or construction of houses, be approved.

MR. SPEAKER: I do wish to apologize to the Council for the rather short time that has been given for them to study the Sessional Paper No. 13 which I only laid yesterday. But if the Council had continued with its business and we had not had to suspend Standing Orders, as we have to-day, I would certainly not have moved this Motion to-day and another 24 hours would have been provided.

Sir, I am a little afraid of going into much detail on this Sessional Paper in view of the remarks that the hon. Member for the Coast made yesterday when the Minister for Finance went into a certain amount of detail on another Sessional Paper.

[The Minister for Local Government, Health and Housing]

The facts, indeed, are set out in the Sessional Paper and the appendices to it, but there are one or two points I would like to emphasize. The first thing, Sir, is it will be noticed by hon. Members that these guarantees will operate only on property up to the value of £5,000. The reason for that I think is obvious in that this special gesture, special help, to be made available is being made available to the section of the population who may find it more difficult to find the money.

I would also like to make it quite clear that just because this Motion is passed and the City Council, Nairobi City Council, guarantee a certain amount of the money backed by the Government guarantee, it does not mean that everybody who applies will get a loan. That, of course, must be left to the building societies for them to discriminate as to whether a property which is suggested should fall under this guarantee scheme is worth having a loan, and whether, indeed, the person, or personality, of the man concerned is credit-worthy for such a loan.

I specially make this statement because I am told that some members of the public seem to think that now anybody can get a loan under these terms and, as I say, it must be at the discretion of the building societies themselves.

Sir, the result of this scheme will be that those accepted by the building societies will be able to borrow 90 per cent of the value of the house and land. Therefore, taking the top limit of a £5,000 house, it will mean the man will only have to put down £500 at 10 per cent—the rest being advanced. The period of the repayment is laid down as a maximum of 20 years which I think, personally, is quite generous—in fact, it is more than is normal in other countries under similar schemes.

It is intended, as is laid out in the Paper, that legislation will be put before this Council in due course to put this scheme on to the Statutes of the Colony and, when that is done, which I hope will not be too far ahead, we will have had the valuable experimental time between now and then to see how it is working, and I intend that the legislation

should not cover more than the City Council of Nairobi, but other local authorities will be allowed, through that legislation, to participate in such a scheme. At the moment, as hon. Members will see from the Resolution and the Sessional Paper, it is confined to the City Council of Nairobi.

There is another important point that hon. Members should note and that is that the City Council of Nairobi, backed by the Government, their liability is extinguished when 50 per cent of the total cost is repaid by the borrower. That is, let us put it the other way, when 50 per cent of the value is outstanding—after that, neither the City Council nor the Government have any liability and they step out of the scheme and of that particular loan. In appendix 4, which is attached to the Paper, hon. Members will see exactly how this works.

There are certain conditions laid down, which again are set out in the appendices to the Sessional Paper, such as that sale or sub-letting cannot take place within 12 months of the loan without the permission of the building society. These are all, I think, not very onerous conditions but certainly they are necessary.

The valuation and the titles are all the factors that are mentioned in the Paper and the appendices.

There is one point that I wish to stress here, of which I am sure hon. African Representative Members are thinking. This scheme, of course, is open to anyone, of any race, providing that that person, whoever he may be, has the proper security which the building societies will accept. That, of course, does tie up, and I know very well, ties up, with the doubts that have been expressed in this Council by hon. African Representative Members on the security of the titles of African residential plots in urban areas, and I repeat, as I said before, we will try our very best to see that surveys are done and proper titles are issued as soon as possible so that Africans can, if the building societies are prepared to do which I think they will be, go ahead on the same lines as anybody else.

There is one point there, Sir, which I think must be made clear, and that is that this scheme will not apply to houses

[The Minister for Local Government, Health and Housing]

of less than 1,000 square feet. Well now, that is a very small house—1,000 square feet—and it is fairly obvious why it cannot apply to houses of less than that because the business is not really of interest to building societies and, indeed, houses of smaller area are very seldom saleable and, therefore, are not particularly good security. But with any house which a married man requires I think it will be found that 1,000 square feet is very much under what is necessary.

While on that matter, again I must sound a note of warning, Sir, that with the rising costs of building to-day, it may be that we will have to review these particular units, which are laid down in the Paper, to see whether they really do fit with the requirements of to-day. Unfortunately, owing to I think not entirely genuine factors, the cost of building in Nairobi to-day is phenomenal. I hope that it will be reduced when these peculiar factors are met.

If I may just finish, Sir, I have only got one more point. I think it will be of interest to hon. Members to note that in Appendix 2, which is headed "Notes on the Scheme", it will be seen there that we estimate that during the first 12 months, the amount of excess loans that the City Council might be required to guarantee, with our guarantee backing them, that the first 12 months will be in the neighbourhood of £60,000. That is a complete estimate but it does show, I think, when you consider what that £60,000 represents which is quite a small part of the actual expenditure which will be met in the building of houses, it will show that we feel there is a considerable demand for such money and for the help which can be afforded by this scheme.

Sir, I beg to move.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING seconded.

THE SPEAKER: I think this will be a convenient opportunity to suspend business for fifteen minutes.

Council suspended business at fifteen minutes past Four o'clock and resumed at thirty minutes past Four o'clock.

Question proposed.

MR. TYSON: Mr. Speaker, I think all Members will agree, particularly with the second paragraph of the Motion, that it is desirable to assist members of the public more easily to build or acquire houses. The system which is visualized in this White Paper, is a system which is operating very successfully in a very large number of towns in Great Britain and anything we can do in this country, and certainly in Nairobi, to encourage people to save money in order to acquire their own houses is, in my opinion, a very forward step towards a stabilized, happy and contented community. This proposal is not restricted to any community and, apart from anything else, I think it will encourage a saving spirit, for one thing, and, what is equally important, Sir, I think is that it should be extended as rapidly as possible, to cities other than Nairobi.

The demand for housing for young people who can only afford to put down 10 per cent is just as great in the other important centres of Kenya as it is in Nairobi. I hope that the Minister will be able to indicate very soon that the proposals which are outlined here will be extended to the other areas where the building societies are already operating.

Subject to that, Sir, I strongly support the Motion.

MR. SLADE: Mr. Speaker, Sir, I think the hon. Member who has just spoken should have declared an interest, which is a similar interest as I have in this matter, in that we are both directors of one of the companies that help with advances beyond the usual limit, by virtue of a guarantee. Sir, I fully support this proposal. There is only one question I have to ask the Minister. Sir, it is intended to be applicable only to those people who cannot make a deposit of more than 10 per cent; and I imagine that Government will be zealous to see that the people who can really make a deposit of more than 10 per cent do not take advantage of these special facilities. The question I want to ask the Minister is, who is going to carry the responsibility for seeing to that? Will it rest on the building society to see that these special facilities be afforded to people who really are unable to put down more than

[Mr. Slade] 10 per cent, or will that be the responsibility of Government or the City Council, before the transactions are to be approved?

Mr. GIKONYO: Mr. Speaker, in supporting the Motion before Council, I have got one or two points to make.

The first one is the question of titles for the Africans in Nairobi who own permanent dwellings. As the Minister said, the African Members are very anxious that the survey should be carried out as quickly as possible so that the proper titles can be granted to those who own properties. Having said that, I think the fellows who want to borrow money will be able to go to the building society and, on the basis of their deeds, borrow money like any other person. I hope that the Minister will not lose sight of this and he will do everything he can to eliminate the delay.

The other point is the question of Africans who are in possession of good salaries and they do not own any property. I hope that their case also will be considered by the building societies. If an African gets a good salary and he earns decent money, I feel that he should be considered for loans so that he can own a house.

Thirdly, Sir, I hope that the building societies will consider the applications on their merits and by no other considerations.

With these points, Mr. Speaker, I beg to support.

Mr. USHER: Mr. Speaker, Sir, I rise to support this Motion, miserably parochial as at the moment it is, largely because, Sir, I do see a hope in it that there would be some kind of reduction in that colossal sum provided in the Development Plan for Government housing. I should be grateful if the Minister could, in his reply, indicate whether this is a closed shop to civil servants or whether he expects that they can enjoy the benefits that will accrue to the ordinary citizens in the matter.

I would also ask him, in his reply, if he can give the Council any indication at all roughly of the amount of finance that is likely to be available in the near future.

Mr. CHANAN SINGH: Mr. Speaker, Sir, this Motion is very welcome. It is proper that Nairobi has been selected as the first place where the scheme is to be tried. We hope that very soon we will be told that the scheme has succeeded here and it is going to be extended to other places.

Mr. ARAP MOI: Mr. Speaker, I wish only to mention one or two points. I wish to support my hon. and learned Member who said that those who are unable to pay 10 per cent of the loans given should be considered and, secondly, this scheme should be extended to other towns, like Nakuru and Eldoret where the housing position is very acute.

I beg to support.

THE SPEAKER: No other hon. Member wishing to speak; I will call upon the hon. Member to reply.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Speaker, it has been pointed out to me, Sir, that I may have been at fault in not indicating the Governor's consent to the introduction of this Motion when I moved it, in that it may be a charge on Government funds. I now do indicate that consent, Sir.

The points that have been raised—firstly I do thank hon. Members for welcoming this Motion and I think that it will be a benefit and is a forerunner of a much wider scheme. Those seem to be the doubts that hon. Members may have in their minds.

The hon. Nominated Member, Mr. Tyson, Sir, expressed that he said he hoped that it would be extended to other towns other than Nairobi, he actually said cities of Nairobi, but we have only one city. That is made quite clear, I think, Sir, in the seventh paragraph of the Sessional Paper. It is the definite intention to do that, but we feel that it is best to start in Nairobi and what happens here will be a very good trial period for the actual definite legislation which will be brought in due course to enable all towns, all urban areas, to be brought in.

The hon. and learned Member for Aberdare, as usual, put his finger on a very important matter. It has given us some concern to see, or to try to ensure,

[The Minister for Local Government, Health and Housing]

that this particular guarantee and help from Government will be applicable to those who need it and not those who do not need it. First of all, the Building Society has to make application to the City Council. The Building Society itself will take particular heed, I think, of the financial position of the applicant and only if they feel that the applicant requires a specially large pay-out, or a specially small deposit, will they then apply to the City Council for this particular application to come within the scheme. The City Council itself then has the second examination and they too could, if they wished, turn down the application on the grounds that they consider the applicant has sufficient money to do it himself. But there is one other aspect of it, Sir, that even if through that mesh applications slip through, it does mean that there is really no liability on the Government if the man concerned has a number of other assets which, of course, would be liable to liquidation in the case of non-payment of his interest and capital moneys. The City Council would, of course, then be able to recover from his other assets and other sources of income, and so it means that the risk and the guarantee is really, in fact, not affected. I hope that that will satisfy the hon. Member.

The hon. African Representative Member, Mr. Gikonyo, raised the matter again of titles which I did deal with when moving the Motion and I merely repeat my assurance that I quite understand the African position in this and will do everything I can to expedite the survey and of course, the lack of surveyors is the greatest difficulty.

With regard to Africans with good salaries, Sir, if they can acquire a plot of land or they have any where to build then, of course, they have the same chance as anybody else to enter into this scheme with the Building Society's agreement.

The hon. Member for Mombasa asked if this scheme will be a closed shop and whether civil servants will be treated in the same way under this scheme as ordinary citizens. I do not know if by that remark he means that civil servants

are extraordinary citizens, but I can assure him that in this regard anyway they will be equal to anyone else.

I think, Sir, the hon. African Representative Member, Mr. Arap Moi, I think his idea was, Sir, that some people will not even be able to pay the 10 per cent, put down the deposit of 10 per cent, and that they should be helped. Well, Sir, we cannot help those people through building societies. This is as far as we can go and, indeed, it is a very generous scheme compared with others in other parts of the world, but those people who really have not got even 10 per cent to put down, he is obviously thinking of Africans, will be helped, and are being helped, through Council Housing, tenant-purchase schemes, through local authorities and other owner-builder schemes, which are going ahead in different areas of the Colony. I merely repeat, Sir, as nearly every hon. Member who spoke felt that this scheme should be extended, I merely repeat that it will be extended, and extended after considering all the snags, and there may be snags, which will be shown up with this operation in Nairobi. I hope the extension will not take long.

I beg to move.

The question was put and carried.

ADJOURNMENT

THE SPEAKER: In conformity with the Resolution passed earlier this afternoon, that completes our Order Paper and I, therefore, adjourn Council until 2.30 p.m. on Tuesday, 8th November, 1955.

Council rose at forty-seven minutes past Four o'clock.

Tuesday, 8th November, 1955

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

[Mr. Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:—

Report on the Treatment of Offenders for the year 1954.

(BY THE MINISTER FOR INTERNAL SECURITY AND DEFENCE)

ORAL NOTICES OF MOTIONS

DOCUMENTATION OF DOMESTIC SERVANTS

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

BE IT RESOLVED that in the opinion of this Council it is essential in the interest of security, that a comprehensive system of documentation of domestic servants involving a complete record of service, should be introduced forthwith to safeguard the public from tragedies such as occurred recently.

PRESIDENT OF NORTH NYANZA A.D.C.

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

BE IT RESOLVED that in the opinion of this Council, the Provincial Commissioner, Nyanza Province, should instruct forthwith the African District Council, in North Nyanza, to elect a president among its own members in accordance with the provisions of section 7 of the African District Councils Ordinance, 1950.

OVERSEAS LEAVE FOR CIVIL SERVANTS

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

BE IT RESOLVED that this Council requests the Government to examine the existing leave and passage regulations for civil servants to report upon the possibility of extending the grant

of shorter and more frequent overseas leave with a view to securing greater continuity and effecting short- and long-term economy of staff, regard being had to cognate matters raised in the debate on Sessional Paper No. 17 of 1954 (on the 14th and 15th December, 1954) and in the present debate.

PUBLICATION OF OFFICIAL GAZETTE IN ENGLISH AND SWAHILI

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

THAT in the opinion of this Council the *Official Gazette* should be published in both English and Swahili.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 25

MR. AWORI asked the Minister for African Affairs to state whether he is aware that the Chiefs owning cars are dissatisfied with the Sh. 100 per month flat rate for car allowance as it does not take into account the cubic capacity of the motor vehicle, the size of the location and the responsibility by the particular chief?

If the answer is in the affirmative, will the Minister consider placing the chiefs on the same basis as other Government officers so that they can claim mileage allowances at Government rates?

THE MINISTER FOR AFRICAN AFFAIRS: At the request of the Provincial Commissioner, Nyanza Province, the question of an increase in the consolidated car allowance payable to chiefs was discussed at the recent meeting of Provincial Commissioners. As a result, certain proposals were put forward which are at present under examination by the Government.

(2) It should be noted that the consolidated allowance only covers running within the chiefs' own locations. If any official journeys are made outside the locational area they are paid for on a mileage basis. Provincial Commissioners are agreed that this is the most satisfactory system and I would not wish to make any change.

QUESTION No. 26

MR. CHANAN SINGH asked the Chief Secretary to state when the list of discriminatory laws which the Government undertook to prepare under a resolution of the Legislative Council passed on the 3rd December, 1953, is likely to be placed on the Table of the Legislative Council?

THE CHIEF SECRETARY: Sir, it is the hope of the Government that the list of Discriminatory Legislation will be ready for laying on the Table of Legislative Council in December.

QUESTION No. 27

MR. CHANAN SINGH asked the Minister for Finance and Development to state if any progress has been made in investigations into the Asian Widows' and Orphans' Fund with a view to equating the benefits under that fund to the benefits payable under the European Widows' and Orphans' Funds as promised in the Legislative Council on the 14th December, 1954?

THE MINISTER FOR FINANCE AND DEVELOPMENT: I regret that no progress has been made so far in these investigations but the undertaking has not been forgotten and action will be taken when possible.

QUESTION No. 28

MR. CHANAN SINGH asked the Minister for Internal Security and Defence to state separately for Europeans and Asians:—

- (1) The number of firearms for which licences were held at the end of 1954.
- (2) The number of applications for renewal which have been refused during 1955.
- (3) The number of firearms for which new licences have been issued during 1955; and
- (4) The number of appeals made to the Ministry and the number of appeals allowed in cases of refusal to issue new licences or refusal to renew existing licences.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE: (1) The number of firearms for which licences were held at the end of 1954 was:—

Europeans	18,965
Asians	8,271

(2) The number of applications for renewal which have been refused during 1955 up to 30th September was:

Europeans	174
Asians	91

(3) The number of firearms for which new licences have been issued during 1955 is:—

Europeans	143
Asians	102

(4) The number of appeals made to the Ministry is:—

Europeans	197
Asians	142

The number of appeals allowed in cases of refusal to issue new licences or refusal to renew existing licences is:—

Europeans	35
Asians	26

QUESTION No. 33

MR. MATHU asked the Asian Minister without Portfolio to state when he intends to introduce legislation in the Legislative Council to remove the present discriminatory law under which it is illegal for Africans either to consume or to sell spirituous liquor?

THE ASIAN MINISTER WITHOUT PORTFOLIO: I propose to introduce a Bill early in February next which, if passed, will remove the discriminatory provisions of the Liquor Ordinance to which the hon. Member refers.

I had hoped to be in a position to do this during the present sitting. It has become clear, however, that the present Liquor Ordinance needs to be replaced by an entirely new one, and a Bill to this end is now being drafted.

MR. MATHU: Arising out of that reply, Sir, could the Minister say what he means by early in February?

THE ASIAN MINISTER WITHOUT PORTFOLIO: Mr. Speaker, as soon as the session in February meets.

QUESTION No. 24

SHEIKH MAHFOOD S. MACKAWI asked the Chief Secretary:—

Will Government be pleased to lay on the Table a White Paper giving us details and terms of the Treaty between the British Government and H.H. the Sultan of Zanzibar, covering the lease of the Protectorate?

THE CHIEF SECRETARY: No, Sir.

It is not customary to republish matters of this sort in a White Paper. The text of the agreement made in 1895 between the then Sultan of Zanzibar and Her Majesty's Government of the day is set out on page 955 of volume XX of Her Majesty's Collection of Treaties and the Conventions, printed for Her Majesty's Stationery Office in 1898. It was also published as Zanzibar Legislative Council Sessional Paper No. 2 of 1946.

QUESTION No. 29

GROUP CAPTAIN BRIGGS asked the Minister for Legal Affairs to state:—

If the Government has altered their declared policy not to allow "irreconcilables" to return to the Reserves and Settled Areas?

THE MINISTER FOR LEGAL AFFAIRS: No, Sir. It remains the policy of the Government as has recently been reaffirmed, to prevent for so long as it may be necessary in the interests of security, the return to tribal reserves or to employment in the urban or settled areas of all those Mau Mau elements who, by remaining unreconciled, continue to present a major threat to security. The processes of rehabilitation will, however, continue unceasingly and indefinitely, with the object of reconciling as many as possible, though our experience so far confronts us with the prospect, as I said in this House recently, "that we shall not succeed in all cases and that the imperative demands of security will require for the foreseeable future that measures be maintained to preserve the public safety from the evil menace of the fanatical and dangerous core and residue of Mau Mau".

MR. HARRIS: Arising out of that reply, Sir, can the Minister tell us whether that is official Government policy regardless

of what other Ministers have said on other occasions?

THE MINISTER FOR LEGAL AFFAIRS: That, Mr. Speaker, is official Government policy and is in accord with what all Ministers have said, so far as I know, on all occasions.

GROUP CAPTAIN BRIGGS: Mr. Speaker, Sir, arising out of the original reply, will the Minister say what tests would be applied to ensure that a man who is irreconcilable one day does not decide to become reconcilable without having undergone any real change of heart?

THE MINISTER FOR LEGAL AFFAIRS: The Government claims to have some common sense and will be guided thereby.

QUESTION No. 32

MR. CHANAN SINGH asked the Minister for Commerce and Industry:—

(i) Is he aware of the dissatisfaction that exists with the working of the Landlord and Tenant (Shops and Hotels) (Temporary Provisions) Ordinance, 1954?

(ii) Will he examine the desirability of introducing in the Colony permanent legislation governing the relationship of landlord and tenant on the lines of the United Kingdom Landlord and Tenant Act, 1954?

THE MINISTER FOR COMMERCE AND INDUSTRY: (i) No, Sir. For the information of the hon. Member Government is carefully watching the operation of the Ordinance and the Parliamentary Secretary to the Ministry of Commerce and Industry has been asked to undertake special responsibilities in this connection.

(ii) The existing legislation has given an impetus to commercial building and together with the provision for appeal to the Supreme Court, tempers to an appropriate extent the laws of supply and demand which are inevitably tending towards a true economic level of rents under prevailing conditions in Kenya. The hon. Member may wish to know that the provisions of the United Kingdom Landlord and Tenant Act, 1954, were considered and embodied in the existing Ordinance where it was thought advisable under the circumstances obtaining in Kenya.

BILLS

FIRST READING

The Maize and Sorghum (Imposition of Cess) (Amendment) Bill—(The Minister for Agriculture, Animal Husbandry and Water Resources)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

The Probation of Offenders (Amendment) Bill—(The Minister for Community Development)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

COMMITTEE OF THE WHOLE COUNCIL

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

IN THE COMMITTEE

[Mr. Speaker in the Chair]

THE TRADE AND SUPPLIES BILL

Clause 1

MR. SLADE: Mr. Chairman, I beg to move that clause 1 be amended by substituting for the words "Trade and Supplies", the words "Control of Imports and Exports". My reason for moving this amendment, Sir, is simply that it is desirable that the title of the Bill should correctly describe the substance of the Bill. Now this Bill, in its long title, is correctly described—It is described there as "An Ordinance to make provision for the control of the importation and exportation of goods of any description and supplies essential to the life or well-being of the community". That is a true description, Sir, which I submit should be reflected in the short title. Now, the short title as it stands is something very different. It suggests that this is a Bill to stimulate trade and supplies, and, of course, it is nothing of the sort.

I beg to move that amendment, Sir.

THE CHAIRMAN: I am afraid I must ask for your proposed amendment in writing.

MR. SLADE: I gave it in, Sir, but here it is a copy.

Question proposed.

THE MINISTER FOR COMMERCE AND INDUSTRY: While not objecting to the

hon. Member's suggestion, I would not agree that his form of words is more descriptive than the original one. The hon. Member, I think, has been fascinated by Part II, which is described as 'Export and Import Control and forgotten that there is a further part which is general. However, in view of the fact that the long title is explanatory, I have no objection.

The question was put and carried.

Clause 1, as amended, agreed to.

Clause 2

MR. CONROY: I beg to move that clause 2 be amended by inserting immediately before the definition of "Deputy Director" a new definition as follows:—

"Assistant Director" means a person for the time being appointed as an Assistant Director of Trade and Supplies under section 3 of this Ordinance.

Question proposed.

The question was put and carried.

Clause 2, as amended, agreed to.

Clause 3

MR. CONROY: Sir, I beg to move an amendment to clause 3. Sir, I would be grateful for your direction on this. Notice of these amendments has been circulated to Members. Is it necessary for me to read through the proposed long section which is being substituted for the one in this Bill, or is it possible for me to say, "I beg to move the Motion on the Order Paper"?

THE CHAIRMAN: I think if you would move the Motion as on the Order Paper and explain any reasons you may have for this particular amendment, in putting the question I will read the full text.

MR. CONROY: Sir, you will recall that on the Second Reading of this Bill, objection was taken to the very wide powers to delegate given to the Director. He could delegate down to any other person, and one of the proposals in the new clause before the Council is that an appointment can be made of an Assistant Director, or so many Assistant Directors as the Governor may deem necessary. On the one hand, one wants to restrict the power of delegation, on the other hand one wants to have conveniently situated throughout

[Mr. Conroy] the territory a number of officers to whom the commercial community can apply for licences. If the power was vested wholly in the hands of the Director or the Deputy Director, it would be bad luck for members of the commercial community in places like Mombasa. Therefore, it is intended to appoint Assistant Directors of Trade and Supplies, in places like Mombasa, so that easy access to obtain licences may be available to members of the commercial community.

Sir, I call attention to words in sub-section (2) of the proposed clause, "The Director may, with the approval of the Minister . . ." that is to restrict the power of delegation, to restrict the exercise of the power of delegation, by the Director. It is proposed that he can only delegate to the specific officers with the authority of the Minister, to specific officers and not to any other person.

I beg to move that clause 3 be amended.

Question proposed.

MR. HARRIS: Mr. Chairman, I am grateful to Government for meeting one of my objections to this Bill, but I would like to ask whether all these gentlemen are going to be paid? There is a Director of Trade and Supplies, a Deputy Director and a numberless number of Assistant Directors and it does seem to me, Sir, if the purpose of this Bill is to protect sterling, by the time we have paid all these chaps we shall not have any sterling left to protect. If they are all going to be paid under this return, Sir, then it does look to me as though this very cumbersome piece of machinery is going to cost a great deal of money.

THE MINISTER FOR COMMERCE AND INDUSTRY: Mr. Chairman, this Bill does not imply any further expenditure of public moneys. I think the hon. Member is aware there is already a representative department of Trade and Supplies in Mombasa. He would, if it were necessary under the Ordinance be appointed Assistant Director, he would draw no additional pay. Similar measures would be taken as necessary.

Question proposed.

THE CHAIRMAN: The question is that clause 3, as it appears in the printed Bill be deleted, and there be substituted therefor the following clause 3:—

"3. (1) The Governor may appoint a Director of Trade and Supplies and a Deputy Director of Trade and Supplies, and so many Assistant Directors of Trade and Supplies as he may deem necessary, either for the Colony as a whole or for any specified area of the Colony.

(2) The Director may, with the approval of the Minister, delegate in writing all or any of his powers, duties of functions under the provisions of this Ordinance, either generally or in any area in the Colony, or for such periods or purposes as he may specify, to the Deputy Director or to any Assistant Director and may at any time revoke or vary any such delegation:

Provided that no such delegation shall be deemed to divest the Director of all or any of his powers or duties or functions and he may, if he thinks fit, exercise such powers, duties or functions, notwithstanding the fact that he has so delegated them.

The question was put and carried.

Clause 3, as amended, agreed to.

Clause 4

MR. CONROY: Sir, I beg to move the amendment, notice of which has been circulated on the Order Paper to clause 4.

Sir, the purpose of this amendment is two-fold. First of all, it is to delete sub-clause (2) to which grave objection was taken, Sir, and which objection was answered by appointing officers. Sub-clause (2) really did not have any effect at all, so we might as well leave it out. The proposal is, Sir, that it be left out.

The second part of the amendment is that in view of the fact that clause 3 gives major powers to the Minister to prohibit or restrict the importation or exportation of goods, his power to delegate should be taken away. He has, under other legislation, a general power to delegate unless it is restricted or prohibited by particular sections of the particular Ordinance under which his power arises, and it is, therefore, proposed in this amendment that he should

[Mr. Conroy] have no power delegating his authority to prohibit or restrict the importation or exportation of goods.

I beg to move.

Question proposed.

The question was put and carried.

Clause 4, as amended, agreed to.

Clause 5

MR. CONROY: Sir, I beg to move that clause 5 be amended by the insertion after the words, "goods is" in line 2 thereof, of the words "prohibited or". Sir, this is an omission to which the hon. Mr. Chaman Singh drew attention on the Second Reading. You will note that in the preceding clause, "powers are given to prohibit or restrict the importation or exportation of goods". Clause 5 makes it an offence to export or import goods to use importation or exportation if restricted without a licence and it omits to refer to the offence of importing or exporting goods without a licence whose import or export is prohibited and, in order to tie up that small loose end, Sir, I beg to move that the words, "prohibited or" be inserted in the second line of clause 5.

Question proposed.

The question was put and carried.

Clause 5, as amended, agreed to.

Clause 6

MR. CONROY: I beg to move that clause 6 be amended as follows:—

That sub-section (1) of clause 6 be amended by the insertion before the words, "restricted by" in line 5 of the words, "prohibited or"; and

That sub-clause (4) and that the new sub-clause be substituted for the existing sub-clause as follows:—

"(4) An appeal shall lie to the Minister against any decision of the Director under this section; every appeal shall be in writing and shall be lodged with the Minister within seven days of the communication to the person concerned of the Director's decision; and the decision of the Minister shall be final."

Sir, there are two reasons for the amendment to clause 6. The first to amend sub-section (1) of clause 6 is the same reason as the amendment which has

just been approved to clause 5—the addition of the words, "prohibited or" before the words, "restricted by", and I do not think it is necessary for me again to explain the reasons behind that.

Sir, the reason for the new sub-section (4) is to meet the objection which was made on the Second Reading that although the section gives the Director power to grant, vary, restrict, cancel, review, do all kinds of things in respect of licences, in fact, the section, as drafted, only gave a power of appeal where the Director cancels the licence and it is now proposed that the power of appeal, the right to appeal, should be enjoyed by any person who is agreed by any decision of the Director in regard to a licence.

Question proposed.

The question was put and carried.

Clause 6, as amended, agreed to.

Clauses 7, 8 and 9 agreed to.

Clause 10

MR. CONROY: Sir, I beg to move the amendment to clause 10. Notice has been given and circulated with the Order Paper.

I draw attention, in connexion with this amendment, to the fact that this section does not deal with imports and exports at all. It deals with the control of the essential supplies within the Colony. The reason for it obviously is when goods are in short supply it stops them being cornered to the detriment of the general interests of the public.

Now, Sir, in order to deal with such a situation, very wide powers are given to the Minister and objection was taken to the wisdom of those powers on the Second Reading. Therefore, it is proposed now to restrict the wisdom of the powers but to restrict their exercise in the amendment which is now before the Council. Sir, the amendment proposes that any orders made by the Minister should be laid before the Legislative Council and, if the Legislative Council within the next 20 days in which it has sat after that order has been laid, if the Legislative Council passes a Resolution to that effect, that order becomes void. That, Sir, is the way in which the interests of liberty compromise with the interests of the consumer of goods in short supply.

[Mr. Conroy]

Sir, it is also proposed in the amendment that no delegation should take place of these wide powers. Sir, there is further amendment of which notice had been given even before the Second Reading, that is particularly to prescribe that if one commits an offence against this particular section, it shall be a breach of the criminal law for which a person can be punished.

Finally, Sir, the amendment proposes to delete sub-paragraph (2) of clause 4, a paragraph to which serious objection was taken and which the Government kindly agreed to omit because it has no effect.

Sir, I beg to move.

Question proposed.

THE CHAIRMAN: The question is that clause 10 be amended, firstly by inserting the words, "empower the Director or Deputy Director or an Assistant Director to" immediately before the word "require" at the beginning of sub-paragraph (b) of clause 10 (1). "Required" at the moment is the first word in sub-paragraph (b) of sub-clause (1) of clause 10. Secondly, by deleting sub-clause (4) thereof. Thirdly, by renumbering sub-clause (5) as (4). Fourthly, by inserting three new sub-clauses. Five, to read: "All orders made under this section shall be laid before the Legislative Council as soon as may be after they are made, and if a resolution is passed within the next 20 days on which the Legislative Council sits next after any such order is laid before it that the order be annulled, it shall thenceforth be void, but without prejudice to the validity of anything done thereunder, or to the making of any new order.

Sub-clause (6): "The Minister shall not delegate to any person the powers conferred upon him by this section".

A new sub-clause (7): "Any person who contravenes the provisions of an order made under this section otherwise than under the authority of a licence or permit, or otherwise than in accordance with the extent or the conditions of such licence or permit, if any, shall be guilty of an offence against this Ordinance".

Lastly, there is a suggestion that we should substitute for the marginal note

something else, but I do not propose to put marginal notes to the Committee because I do not think we should discuss them.

The question was put and carried.

Clause 10, as amended, agreed to.

Clauses 11 and 12 agreed to.

Clause 13

MR. CONROY: Sir, I beg to move the amendment, of which notice has been given. The reason for this amendment is, Sir, that it is a criminal offence, or it is proposed that it should be a criminal offence, for any persons who have made a false statement to the Director, Minister, Deputy Director. Now we have Assistant Directors and it is only right to insert Assistant Director after Deputy Director.

I beg to move.

Question proposed.

The question was put and carried.

Clause 13, as amended, agreed to.

Clause 14

MR. CONROY: Sir, I beg to move the amendment which notice has been given to clause 14.

Sir, the first proposal in this amendment is that clause 14 should become clause 15 and clause 15 should become clause 14. The reason for that is that clause 14, as drafted, gives power of entry without warrant and it is felt that that should legislate for an exceptional case and that the normal case should be dealt with by entry with a search warrant. Accordingly it is proposed to transpose the two clauses in order that they should deal with the general first and the particular second.

Sir, there was objection raised on the Second Reading to the wideness of the power given for search without warrant.

This power was vested, not only in various officers of the Supplies Department, but it was proposed that it should be vested in any person authorized by them. That has been omitted and it is proposed to restrict the power in the amendment which I am now moving, so that the right to search without warrant should only be exercised where delay which would occur in obtaining a search warrant should tend to defeat the purpose of the Ordinance. In other

[Mr. Conroy]

words, entry without warrant could only occur in very exceptional circumstances for the purpose of catching a criminal and preventing the commission of a crime.

Sir, I would draw your attention and that of Members of the Council, to the third line of the last proposed amendment where the word, "hereinafter" appears, it now reads, "that the delay which would occur in obtaining a search warrant as hereinafter provided would," that should now be "hereinafter" as we are going to transpose the two sections.

I beg to move.

Question proposed.

THE CHAIRMAN: I think I would like first of all to deal with the transposition of the two sections when we will be a bit clearer in our minds. Those who are in favour of section 14 becoming section 15 and section 15 becoming section 14 for the reasons explained.

The question was put and carried.

THE CHAIRMAN: Nobody has got an amendment to what has now become clause 14 but was in the original Bill clause 15? There is no amendment to that, I think. I will put the question that clause 14 as renumbered, which is clause 15 in your existing printed Bill, do stand part of the Bill.

The question was put and carried.

THE CHAIRMAN: I will now take clause 15 as renumbered which is the old clause 14. Does anybody wish to speak on this? Mr. Slade you are covered by this proposed amendment, are you not?

MR. SLADE: I did give notice of an amendment, but the suggested amendment made now meets my point very well.

THE CHAIRMAN: Clause 15, as amended, be further amended by renumbering clause 15 by substituting the first lines following, "The Director or Deputy Director, or an Assistant Director, or any police officer of or above the rank of Inspector, if he has reasonable cause to believe that any offence is being committed on any premises against any of the provisions of this Ordinance, or if he has reasonable cause to believe that any goods, in respect of which there

is reasonable ground for suspecting that such an offence has been committed, are in or upon any premises and that the delay which would occur in obtaining a search warrant as hereinafter provided would, or would tend to, defeat the purposes of this Ordinance, may enter and search". That continues, "such premises without a search warrant for the purpose of ascertaining if such an offence is being committed" and so on as appears in the old Ordinance, clause 14.

The question was put and carried.

Clause 15, as amended, agreed to.

Clause 16

MR. CONROY: Sir, I beg to move that clause 15 be amended by renumbering as clause 14.

THE CHAIRMAN: Well, I had thought we had dealt with that one. I think we have dealt with that and now we go or to clause 16.

MR. CONROY: Sir, I beg to move that clause 16 be amended in accordance with the amendments of which notice has been circulated. Sir, the first point of these amendments again is the substitution of an Assistant Director or any person; the second amendment, Sir, which relates to a matter found objectionable on the Second Reading, requires that the power to search vehicles should extend to the seizure of any goods found in the vehicle, whether they are innocent goods or guilty goods and it is, therefore, proposed in this amendment to delete the words, "any goods" and only to give the power of seizure of goods only where the officer stopping and searching the vehicle has reasonable cause to believe are goods in respect of which an offence under any provision of this Ordinance is being, or has been, committed. Sir, I think that the first amendment speaks for itself.

Question proposed.

The question was put and carried.

Clause 16, as amended, agreed to.

Clause 17

MR. CONROY: The amendment has been circulated and I beg to move that that amendment be made in this clause.

You will remember that on the Second Reading objection was taken to the loss which might be sustained by an innocent

(Mr. Conroy) trader in respect of seasonal goods, Christmas crackers, Easter eggs and such like things. Well it is now proposed, Sir, that where such goods are seized they can be taken in front of a Magistrate who can order their sale. They will thereby catch the seasonal market and if the person from whom they were seized subsequently is proved to be innocent, then he will get the reasonable value of the goods and not the post-seasonable value of the goods, and that is the purpose of this amendment, Sir.

Question proposed.

THE CHAIRMAN: Mr. Slade, you had an amendment to this clause, I do not know if you are satisfied?

MR. SLADE: I am satisfied, thank you, Sir.

MR. CONROY: That No. "(1)" is a misprint, Sir.

THE CHAIRMAN: Well, we must get that misprint put right, too. By deleting the (1) in brackets which is a printer's error, and, secondly, by inserting, immediately after the words "of a perishable nature", which appears practically in the last line but one, the following: "or that by reason of the fact that the market for such goods is seasonal or that to delay the disposal of the same would otherwise unduly prejudice the owner thereof, he may authorize the Director to sell or otherwise dispose of such goods".

The question was put and carried.

Clause 17, as amended, agreed to.

Clause 18 agreed to.

Clause 19

MR. CONROY: Sir, I beg to move the amendment of which notice has been circulated. Sir, my note on my Order Paper is "the purpose of this amendment is to make the clause clearer and is consequential".

Sir, I do not think I can improve on that, I accordingly beg to move.

Question proposed.

The question was put and carried.

Clause 19, as amended, agreed to.

Clauses 20 and 21 agreed to.

Clause 22

MR. CONROY: Sir, I beg to move the amendment of which notice has been circulated. This was a clause to which objection was taken and it has been thought to meet the objections by removing the sub-paragraph which provided that it shall not be necessary to prove guilty knowledge, and it substitutes a new sub-section which it is thought would not place an undue burden on any person who was called upon to prove the origin of these goods.

I think it is fair to say that it will put no burden on a lawful trader, but it puts a considerable burden on an unlawful trader. Any lawful trader who purchases these goods from a bona fide importer or wholesaler can easily produce documents to show where he got them from. It is the person who dabbles in the black market, or purchases under the counter or in other nefarious ways who cannot prove where the goods came from. Sir, this is an extension of the principle that where a matter is particularly within the knowledge of an individual then the burden of proof is put on him to prove that fact which is particularly within his knowledge. It is not a new departure, Sir, and we have tried to make the new sub-section as helpful as we can to the lawful trader.

I beg to move.

Question proposed.

THE CHAIRMAN: Mr. Slade, you had some amendments to this?

MR. SLADE: Mr. Chairman, I am quite satisfied with the amendment.

The question was put and carried.

Clause 22, as amended, agreed to.

Clause 23 agreed to.

Clause 24

MR. CONROY: Sir, I beg to move the amendments which notice has been circulated to clause 24. One is to correct a misprint of the word "rules", by the substitution of the word "regulations". The other is very much more important than that. It provides that any regulations made under this section shall be laid before the Legislative Council. The effect of that is to give complete control to this Council over any subsidiary legislation made by regulations under the

[Mr. Conroy]

Ordinance and, therefore, meets any such objection that in the subsidiary legislation matters too important for subsidiary legislation shall be dealt with.

Sir, I beg to move.

Question proposed.

THE CHAIRMAN: Clause 24 as it stands now will first of all become clause 24, sub-clause (1), and therefore it is proposed to put a (1) in at the beginning of the clause.

Secondly, by substituting the word "regulations" for the word "rules" which appears in the fourth line of the existing clause.

Thirdly, by inserting a new sub-clause which shall become (2) and come after line 42 in the existing Bill, which shall read as follows:—

"All regulations made under this section shall be laid before the Legislative Council as soon as may be after they are made, and if a resolution is passed within the next twenty days on which the Council sits next after any such regulation is laid before it that the regulation be annulled, it shall thenceforth be void, but without prejudice to the validity of anything done thereunder, or to the making of any new regulation."

The question was put and carried.

Clause 24, as amended, agreed to.

Clause 25 agreed to.

Schedule

MR. CONROY: I beg to move the amendment of which notice has been given to correct item 6 of the Schedule in which a misprint has occurred.

Question proposed.

The question was put and carried.

Schedule, as amended, agreed to.

Title and enacting words agreed to.

The Bill to be reported with amendments.

THE TRADE MARKS BILL

Clauses 1 to 69 agreed to.

First Schedule agreed to.

Second Schedule agreed to.

Third Schedule agreed to.

Title and enacting words agreed to.

Bill to be reported.

THE PENAL CODE (AMENDMENT) BILL
Clauses 1 to 8 agreed to.

Clause 9

SIR CHARLES MARKHAM: Mr. Chairman, I am afraid that I must oppose that clause 9 do stand part of the Bill, Sir. I do so with good reason. I think in this time of trouble we have got to strengthen the law rather than weaken it, and I believe that this clause 9 will do more harm than good so far as the reasons given by my hon. friend, the Minister for Legal Affairs, when the Second Reading took place.

I must, therefore, move that clause 9 be deleted.

GROUP CAPTAIN BRIGGS: Mr. Chairman, I should like to support what the hon. Member for Ukamba said. I think it would be very unfortunate if this amendment went through at the present time. Even though there might be some justification, in general, for the amendment, I think when we are still in the throes of an Emergency that this is not the right time for any form of relaxation; therefore, I regret that I have to oppose it.

THE MINISTER FOR LEGAL AFFAIRS: Sir, I acknowledge, of course, that there is room for divergence of opinion on this matter—the substance of this clause—but I do not feel that the state of the Emergency really affects the question of principle which is embodied in clause 9 of this Bill. On the second Reading I explained the considerations which had impelled the Government to include this amendment, and they are, to my mind, as cogent now—in Emergency conditions—as they are in normal conditions.

If I may just recapitulate very briefly, they are that it is for the Legislature to determine what offences should be capital and what should not be capital. What we are proposing to do in this clause of the Bill is to remove from the Penal Code a discretionary capital punishment—that is to say, the discretionary death penalty for the offence of rape, the onus of deciding whether in any particular case that penalty should be applied being on the Judge. Now, that is a delegation to the Judge of the responsibility for deciding whether rape is to be a capital or a non-capital offence,

[The Minister for Legal Affairs]

and—as I remarked on the Second Reading—the Judges, not only in this country but in all parts of the world where the British system of justice runs—they are opposed on principle and resent the passing of this responsibility to the Judges, when it is clearly and properly the responsibility of the Legislature.

As I say, I acknowledge that there is room for divergence of opinion on this issue, and I entirely respect the opinions which have been expressed by the two hon. Members who have spoken against this clause. I can only say that the matter has been considered by the Government and, while not in agreement with those two hon. Members, the Government takes the view that the discretionary penalty for rape should be removed.

Clause 9 agreed to.

Clauses 10 to 12 agreed to.

Clause 13

THE MINISTER FOR LEGAL AFFAIRS: Mr. Chairman, I beg to move that clause 13 of the Bill be amended by substituting for the words in the clause "or to cause him to do any act which he is legally entitled to do", which appear in the proposed new section 233A, the following words "or to cause him to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do".

I made mention of this in the debate on the Second Reading. The amendment is necessary because, in the printing, a whole line of the proposed new section was omitted.

The question was put and carried.

Clause 13, as amended, agreed to.

Clause 14

THE MINISTER FOR LEGAL AFFAIRS: Mr. Chairman, I beg to move that clause 14 be deleted, and that clauses 15 and 16 be renumbered 14 and 15 respectively.

This clause, Sir, was inserted in the Bill as the result of a request made originally from the Judiciary. I have been asked, however, both by the Chief Justice and the President of the Court of Appeal, that this particular clause might be deferred, so that they may give

it further consideration. There are a number of points arising under it which they feel should be considered, and it may be that they will recommend that some other means of overcoming the difficulty which the lack of such a clause presents should be adopted in lieu. I have, of course, the greatest respect for the views of the Judiciary in a matter of this kind, which so specially concerns them, and I would like, therefore, to accede to their request, and I invite the Council to do so, too.

Clause 14 deleted.

Clauses 15 and 16 renumbered 14 and 15 respectively.

Title and enacting words agreed to.

THE SEEDS BILL

Clauses 1 to 5 agreed to.

Clause 6

MR. CROSSKILL: Mr. Chairman, I beg to move the deletion of the following words from clause 6, in line 2, "other than Government-certified or Government-tested seeds, or Government-certified seed potatoes".

The reason is, Sir, that, as it stands, that clause provides no adequate safeguard for the quality of seeds being exported. One of the objects of the Bill is to ensure that only high quality seed is exported and, by reference to the interpretation—the definition—of Government-certified seeds does not specify any standard. For instance, there might be a very inadequate standard of one per cent of germination and one per cent purity and, as the clause stands at the present time, the law says that seed has been tested and, whatever the results of that test, that seed may then be exported without further reference.

If my amendment is accepted, Sir, it will mean that all seed for export will have to have permission in writing from the Director.

MR. RODDAN: I think, Sir, there is some misunderstanding on this. As I understood the hon. Member, he is afraid that seed—faulty seed—might be exported from the country and therefore damage the name of Kenya seed.

There is a possibility, I think, of agreeing to a deletion of the words "or Government-tested seeds", and leaving

[Mr. Roddan]

in "Government-certified seed" for export, but even that, Sir, I think, would be unwise because, even under the Government-tested seeds, a certificate has to be issued before the seeds can be passed as Government-tested seeds, and a certificate has to be issued before the seeds can be exported. Under the rules, the quality standards can be such as will satisfy the trade and the good name of the seeds of this country and, therefore, no certificate will be issued at all in respect of either certified or tested seeds unless they come up to the standards laid down in the rules in the Schedules to the Ordinance.

I have, Sir—I think it may relieve the hon. Member's mind—I have discussed this particular point yesterday with the Kenya National Farmers' Union on behalf of members of the seed trade, and I think they are perfectly satisfied now that the Bill can go forward as it stands.

MR. CROSSKILL: I withdraw the amendment.

Clause 6 agreed to.

Clause 7 agreed to.

Clause 8

MR. CROSSKILL: Clause 8 (1) (c) (i). Sir, I think the procedure there is too exacting and unnecessarily laborious in that a certificate will be delivered with every sale. Now, in the case of sales of small quantities—a pound or less, for example—I think it may not be required, and may be unnecessary that a certificate should be supplied in an obligatory manner by the seller, and I would like to move, Sir, that the words "if requested" be inserted between the words "purchaser" and "on" in the second line of clause 8 (1) (c) (i).

MR. RODDAN: Mr. Chairman, Sir, I appreciate the reasons for the suggested amendment, in that it does—on the surface anyway—impose a burden on the trade, but this Bill, Sir, in addition to making trade easier, should also protect the general public and, if we remove the requirement to provide a certificate for sale, then litigation—as outlined in sections 18 and 19 of the Bill—becomes extremely difficult, because the man has no written evidence that he, in fact, did buy from the shop the

quality of certified seed he, in fact, did buy, unless he has a written statement from the concern.

I am influenced in insisting that this condition remain, Sir, by the fact that in the 1920 Seeds Act of the United Kingdom, which is still in force in the United Kingdom; is this clause, which I would like to read, Sir, with your permission, because it is more or less the same as the one to which the hon. Member objects. Clause (1) reads:—

"Every person who sells any seeds to which this Act applies or any seed potatoes, shall, on or before the sale, or if the goods are not delivered at the time of sale on or before delivery thereof, deliver to the purchaser a statement in writing containing the prescribed particulars with respect, in the case of seeds, to their variety, purity and germination, and in the case of seed potatoes, to their class, variety, size and dressing."

To my mind, Sir, that obligation has been in operation in the United Kingdom for at least 35 years, and is still in force to-day, and I really cannot see why the concerns in this country cannot comply with the same conditions. The hon. Member will be aware that this only applies to lots of over two pounds in weight. The smaller packets are simply stamped packets, and I should guess that the number of sales made per day of over two pounds of seed are not very great, and I am afraid, Sir, I would like to see this clause stand as it is in the Bill.

MR. CROSSKILL: I ask leave to withdraw the amendment.

Clause 8 agreed to.

Clauses 9 and 10 agreed to.

Clause 11

MRS. SHAW: Mr. Chairman, I only wanted to ask—on a matter of information—to ask if, when an importer applies for a certificate to import seed into this Colony, if the seed which is imported comes from a district where any disease affecting that seed might be rampant, is he satisfied that the seed thus imported will be fumigated?

MR. RODDAN: No, Sir—not under this Ordinance.

MRS. SHAW: Should I be in order, Sir, in suggesting an amendment that if there is to be such fumigation, that the importer shall be informed, and import at his own risk?

THE CHAIRMAN: I should have a written amendment, but you may by all means make your suggestion.

MRS. SHAW: I would like to suggest, Sir, that some amendment should be put in that clause that, if such importation should necessitate fumigation, the importer should be warned of this fact, and then import or not at his own risk.

MR. RODDAN: Under the Plant Protection Ordinance, Sir, if any one wishes to import seed, they have to apply for a permit to import such seed and, in the permit issued, conditions are laid down on which that material can be imported. It may require the exporting country to do the fumigation before it reaches this country, in which case that has to be done or the seed cannot be imported; in the case to which the hon. and gracious lady refers—I know it is a hidden one—she is still going back to the tea seed from Tanganyika—that was done, as she knows, out of the goodness of our hearts on a local basis and—I am not quite certain on this one—but I think the restrictive rules in so far as export is concerned do not apply to the same extent to Uganda and Tanganyika, and that, administratively, we can easily arrange to meet the hon. lady's request.

MRS. SHAW: Thank you very much. That will meet my point.

Clause 11 agreed to.

Clauses 12 to 22 agreed to.

Title and enacting words agreed to.

THE CUSTOMS TARIFF (AMENDMENT) BILL

Clauses 1 and 2 agreed to.

Title and enacting words agreed to.

THE CHIEF SECRETARY: Mr. Chairman, I beg to move that the Committee do report back to the Council that it has considered the following Bills and approved the same without amendment—

The Trade Marks Bill; and

The Customs Tariff (Amendment) Bill;

and that it has considered the following Bills and approved the same with amendment—

The Trade and Supplies Bill;

The Penal Code (Amendment) Bill; and

The Seeds Bill.

Question proposed.

The question was put and carried.

MR. SLADE: Mr. Chairman, in supporting this Motion, I do want to express thanks to Government for the way in which they met the Members on this side of Council with regard to the Trade and Supplies Bill which, incidentally—I should point out—is now called the "Control of Imports and Exports Bill".

Sir, the hon. Member for Nairobi South had to leave this Council during the Committee stage for reasons beyond his control but he asked me to join him in this expression of thanks, and to apologize for not being here. Also, Sir, I should like to thank the hon. Solicitor General for his expedition in introducing these amendments.

Council resumed.

[Mr. Speaker in the Chair]

REPORT

THE SPEAKER: I have to report that a Committee of the whole Council has considered, clause by clause, the Control of Imports and Exports Bill previously described as the Trade and Supplies Bill (Bill No. 2), and has approved the same with amendment.

THE MINISTER FOR COMMERCE AND INDUSTRY: I beg to move that the consideration of the Control of Imports and Exports Bill be taken to-morrow.

THE SPEAKER: On the question of the consideration of the report, I must draw attention of Council to the fact that, in accordance with my previous practice, Council can insist on taking the Third Reading—and this "Consideration of Report" stage to-morrow. But this is a Bill which affects a very large number of people indeed. It affects practically every trader in the country, and is a Bill to which—to some of its provisions opposition was expressed by a minority in this Council, for whose interests I am, to some extent—as Speaker—responsible.

[The Speaker]

We have in the course of this afternoon introduced a very large number of complicated amendments to what is a long and complicated Ordinance which—as I have already pointed out—affects a very large number of citizens of this country and, in my opinion, such a Bill ought to be reprinted before the "Consideration Report" stage is taken, in order that Members who are responsible to their constituents can see really what has emerged from the Committee stage, and what they are, in fact, passing.

I repeat that if the Council wishes to take it to-morrow I will put it to the vote, but I think hon. Members must be clear on what they are doing, and as to what our responsibilities are in view of the knowledge we have of procedure in other Legislatures.

THE MINISTER FOR COMMERCE AND INDUSTRY: Mr. Speaker, if that is the wish of the Council, I will gladly fall in with the suggestion proposed.

THE SPEAKER: The Minister is prepared to take it, I understand, at the earliest possible opportunity?

THE MINISTER FOR COMMERCE AND INDUSTRY: As early in December as possible.

REPORT

THE SPEAKER: I beg to report that a Committee of the whole Council has considered, clause by clause, the Trade Marks Bill, and has approved the same without amendment.

THE TRADE MARKS BILL

THE MINISTER FOR COMMERCE AND INDUSTRY: I beg to move that the Trade Marks Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

REPORT

THE SPEAKER: I beg to report that a Committee of the whole Council has considered, clause by clause, the Penal Code (Amendment) Bill, and has approved the same with amendment.

THE PENAL CODE (AMENDMENT) BILL

THE MINISTER FOR LEGAL AFFAIRS: Unless the Council would wish otherwise, Mr. Speaker, Sir, I beg to move that the Report stage be taken now. If the Council would prefer to defer the Report stage until to-morrow, I should be quite agreeable.

Question proposed.

The question was put and carried.

THE MINISTER FOR LEGAL AFFAIRS: I beg to move that the Penal Code (Amendment) Bill be now read a Third Time.

THE SPEAKER: As it has undergone a number of amendments, I should like to be sure that Council agrees with the amendments—we have had a number of amendments resolved in Committee—so could you propose that the Council doth agree with the Committee in the said Resolutions?

THE MINISTER FOR LEGAL AFFAIRS: Mr. Speaker, Sir, I beg to move that the Council doth agree with the Committee in the said Resolutions.

Question proposed.

The question was put and carried.

THE MINISTER FOR LEGAL AFFAIRS: I beg to move that the Penal Code (Amendment) Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

REPORT

THE SPEAKER: I beg to report that a Committee of the whole Council has considered, clause by clause, the Seeds Bill, and has approved the same with amendment.

THE SEEDS BILL

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: I should like to take the Report stage now, Sir, if Council agrees.

THE SPEAKER: In order to get the procedure right, I will put this again—if you would not mind proposing that Council doth agree with the Committee in their said Resolution.

PROCEDURE

IN CONSIDERATION OF REPORTS ON BILLS AMENDED IN COMMITTEE OF THE WHOLE COUNCIL

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: I beg to move that the Council doth agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: I beg to move that the Seeds Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

REPORT

THE SPEAKER: I beg to report that a Committee of the whole Council has considered, clause by clause, the Customs Tariff (Amendment) Bill and has approved the same without amendment.

THE CUSTOMS TARIFF (AMENDMENT) BILL

MR. MACKENZIE (Secretary to the Treasury): **Mr. Speaker,** I beg to move that the Customs Tariff (Amendment) Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

THE SPEAKER: I think this might be a convenient time to take the adjournment for the customary short interval but, before doing so, might I just again explain to hon. Members what I myself feel to be the correct procedure in putting Bills to a Committee of the whole Council. I suggest that we should take Bills that are passed by the Committee without amendment as a formal Report and Motion for Third Reading, and pass them straight away. But where Bills have undergone amendment in the Committee of the whole Council it is only right that we should have a delay of at least 24 hours in the case of a simple amendment, and considerably longer in the case of complicated amendments, which is the

procedure adopted in other legislatures—practically every one I have looked up.

The point, of course, is that consequential amendments may become necessary from a legal draftsman's point of view, and also I think that it is only right that Members should know precisely what has emerged from the Committee stage, before they pass a Bill—not as sometimes in the past doing so without knowing exactly what they have passed; and that is why I am anxious, if possible, for hon. Members to support me in introducing the same custom—the same procedure—as is adopted in other legislatures.

I think this might be a convenient time to take the customary fifteen minutes' suspension of business.

Council suspended business at fifteen minutes past Four o'clock and resumed at thirty minutes past Four o'clock.

MOTION

POLICY CONCERNING CAPTURED OR SURRENDERED TERRORISTS

SIR CHARLES MARKHAM: **Mr. Speaker,** I beg to move:—

BE IT RESOLVED that, in the opinion of this Council, it is essential that a consistent policy, both immediate and long term, concerning terrorists who have been captured or have surrendered, be published; and that all possible steps be taken to ensure that such policy is fully implemented.

Mr. Speaker, the reasons for this Motion arise from a question that I asked the Minister for Legal Affairs last week and his reply thereto. I regret the amount of work that this Motion has required from the various officers of the Crown and, Sir, since I framed this Motion, I have discovered that it does go a great deal deeper than what is really printed on the Order Paper. There is, therefore, a great security risk in that remarks which might be made in the course of this debate might cause—I use the word might—might cause embarrassment to the Security Forces in their fight against the *Mau Mau*. Therefore, Sir, I do propose to limit my remarks to the general rather than to the particular, and I also do not propose to raise any matter which may cause such embarrassment to the Security Forces.

[**Sir Charles Markham**]

In the question, **Mr. Speaker,** that I asked of the Minister for Legal Affairs, the word "captured" terrorist was used, but you will notice now that we are also including those who have surrendered. I understand there is a policy, a very clear policy, from Government but I am not certain what that policy is and I am also not certain whether that policy is known by all the servants of Government.

One of the reasons for this Motion is that I think it would be of value to this Council for there to be a clear exposition of policy from the other side. Therefore, Sir, again I repeat the reasons for the Motion. They are to get a consistent policy, both immediate and long-term, published.

Now, Sir, I do not want to touch on certain aspects of the Emergency affecting operations for reasons I mentioned earlier, but there are rumours, true or untrue I do not know, going around concerning the prosecution of captured terrorists and also against those people who have surrendered since the withdrawal of the recent surrender terms. The rumours state that the prosecution of such men is not being undertaken for various reasons. One reason, Sir, is that the collection of evidence is often more trouble than it is worth. The second reason is that there is a time factor of court cases. In other words it necessitates hours of wasting time, in the opinion of the officer concerned, waiting for the case to be heard, when that officer could well be engaged in essential operations.

The third reason, Sir, is that rather than risk losing the case, a detention order is issued. So often rumour has it that a detention order is issued because the prosecution are frightened that the evidence is insufficient to secure a conviction. That, **Mr. Speaker,** is one of the rumours which may or may not be true.

I know for a fact, and this is not rumour, that of course the various men who have been captured are being used, and, of course, it is a fact as well that the prosecution of the Emergency must take first place against anything else, even so far as principles, in my opinion. We have got to get this Emergency over—we need not waste time discussing the

various Bills which came up this afternoon. But the point I wish to make, **Mr. Speaker,** is who is the deciding authority as to whether a man is to be prosecuted or whether a man is to be let go free or detained under a detention order? Rumour has it again that various men are being captured and that they are being used and then sent down the line—down the pipeline—once their use no longer justifies keeping them in the operational area. But I would like to ask that question again as to who is the authority who decides whether they should be prosecuted or not.

Again, I would like to ask for how long can a man be kept in custody without a charge being brought against him? Under the Emergency Regulations, of course, there is a radical change compared to the ordinary laws of Kenya, but perhaps the Minister for Legal Affairs will explain this point to us.

Now, **Mr. Speaker,** the Resolution was divided into two parts asking for a policy both immediate and long-term. The immediate policy is, as I see it, to make quite certain that those men who are captured in the course of a battle, or in the course of operations as a whole, are brought to justice and that those people should be convicted of the maximum possible offence, if necessary a capital offence. In the figures submitted by the Minister for Legal Affairs, he did not break up the numbers in the areas which I had mentioned to him; in other words it is hard to know how many terrorists who were captured in the forbidden areas have actually been brought to justice, because, at the moment, they are liable to be shot on sight as opposed to being captured and brought to trial and it is a capital offence to be found in those areas.

On the long-term, there is the point, **Mr. Speaker,** concerning those who have been captured and those who have surrendered. I presume that for many years to come the Security Forces will still continue to capture terrorists and also for many years to come terrorists will continue to surrender. It is of the utmost importance that those men should know where they stand. Will they be allowed to come back to the fold after serving a short time in a camp under a detention order? Or will they be prosecuted

(Sir Charles Markham) and serve a prison sentence? There is very little stigma, as we know, attached to the man going to jail and, therefore, I suggest that the time has come now when instead of being more lenient we should start becoming more and more severe towards those who fail to use their opportunities by not surrendering at the moment.

I think there is ground, Sir, for believing that the next part of the campaign against *Mau Mau* may well be psychological warfare to a greater extent than we have known at the moment. Psychologically, I think it is bad that the fence-sitters, those who support *Mau Mau* one day and perhaps sit on the fence the next, should not know exactly where they stand regarding possible prosecution in law. There has been a suggestion made publicly that the way to avoid prosecution is to offer temporary help to the Government. I do not know whether such help is offered and, if offered, I do not know whether it is always accepted. There is a danger that unless a clear-cut policy is defined as soon as possible that we might lose the psychological battle which, if we do, is nearly as bad as a terrorist side, because the future of this country really rests on security for the next 10 or 15 years while we try and build up the damage done in the past three years.

Mr. Speaker, I beg to move,

MR. SLADE: Mr. Speaker, Sir, I rise to second this Motion. It is very important that all of us know exactly where we stand in this matter: not only hon. Members, but also all members of the Security Forces, members of the public and, indeed, those in the ranks of the enemy as well.

I think, Mr. Speaker, it is becoming increasingly urgent that we should know where we stand, because the numbers that are being captured or surrendering are, I believe, increasing steadily, and are likely to increase faster still as we draw towards the close of the violent phase of the Emergency. We are aware, Sir, that at present there are quite a number of terrorists who have been captured, or who have surrendered, who are not undergoing prosecution or detention but are more or less at liberty, apparently

being used as auxiliaries towards ending the Emergency.

Perhaps, Sir, it is advisable first to consider what the legal position is with regard to such people. I know that we have to rely on the hon. Attorney General for that; but I would like to state my understanding of it and be, no doubt, will correct me if I am wrong. As I see it, Sir, any terrorist who has been captured, whenever the capture took place, whether before or after the 10th of July last, is liable to the fullest penalties under the Emergency regulations, including the death penalty where imposed under those regulations. And the mere fact of capture almost certainly provides evidence on which to convict him.

Then, Sir, as regards those who surrender, or have surrendered, I understand that there are two classes. There are those who surrendered between January and the 10th of July, in response to certain surrender terms which I have had occasion to criticize rather severely before. Now those people, Sir, I understand are exempt from all prosecution for any crime connected with the Emergency, but they are still liable to detention; and obviously there is a case for their detention if they surrender, and thereby admit that they have been with the terrorists in operations against us. Those who surrendered after the 10th of July come under what we called the "green branch" surrender terms which were published, I think, towards the end of 1953. They are exempt from the death penalty created by Emergency regulations for Emergency offences—that is carrying firearms, consorting with the enemy and the like—but they are not exempt from prosecution, nor from any of the other penalties prescribed by those regulations.

Sir, the question—the question on which we wish to know where we stand—is to what extent does Government intend to use those powers against such people who are captured or surrendered; where there are powers of detention, to what extent will such men be detained; where prosecution lies, and can be established with reasonable certainty, will there be prosecution and will the maximum penalty be allowed to be imposed? Well, Sir, the importance of this lies,

[Mr. Slade] of course, in what we discussed on previous occasions—the object of the exercise in this Emergency. I think, Sir, in a debate not many months ago, it was accepted on both sides of this Council that our real objective is to restore respect for law and order. If that is our objective, then, of course, it is extremely important that we bring the force of law and order to bear on those who have fought against us. It is important enough by way of punishment of those who have offended, and by way of protecting society against them by removing them from society. It is even more important from the point of view of the great mass of people who have not offended, but might be encouraged in the future to offend if they see that people who have offended do not suffer under the full rigour of the law.

Nevertheless, Mr. Speaker, against that, I am well aware that in times such as these, and in probably almost every case where there has been a rebellion or civil war, there are people who have fought on the side of the rebels who decide to come over to the side of Government, and come over quite wholeheartedly; and because of their experience on the side of the enemy, because of the particular knowledge they have in their heads, they are too useful to put away; they have to be used. They can be used operationally, they can be used for the sake of the intelligence they have, or they can even be used as a kind of intelligence service because of the contacts they have. In all those ways, I recognize, Mr. Speaker, that men who are captured or surrender may have to be used. What I want an assurance from the Government on is that great care is taken, and taken by some really responsible authority, such as suggested by the hon. Mover, that all people who are captured or who surrender, are prosecuted or detained unless they really are of definite and continuous use to Government in fighting this Emergency; and, moreover, have indicated, so far as can be seen, a real change of heart. Those who are useful to us for 24 hours, because of the fresh information that they bring from the forest, but no further, those, Mr. Speaker, I submit can be so used, and can quite properly be prosecuted or detained afterwards. If it

is only a matter of interrogating them within the first 24 hours and acting on what comes from the interrogation, there is no reason why you should not prosecute them and punish them for their past offences. But these others who we keep for some time because of their continual usefulness, they are a different matter; and I would ask for a second assurance, Mr. Speaker, that is that these others are only used in certain limited spheres. It is proper, and I believe necessary, to use them from time to time operationally; it is proper, and I believe necessary, to use them as an intelligence service in contact and under the supervision of proved loyalists, but it cannot be proper, Sir, for example, to use them as screeners, to use men who openly fought on the other side to examine the men who have appeared to be on our side. The opportunity for abuse is far too great, Sir. I am afraid abuses are now occurring in that way. Men who have pretended to have a change of heart after leaving the enemy are being used in certain places to inform on men who have apparently behaved quite well, and to examine and interrogate men who have behaved quite well. One can imagine all kinds of reasons for abuse of the powers which they then have, the opportunities of extortion by men who, after all, are but being traitors to their cause—the opportunities of paying off old scores; and all those other opportunities which you can understand only too well without my detailing them.

For the same reasons, Sir, I submit that such men, captured or surrendered, should not in any circumstances be placed in positions of responsibility or authority. I should be grateful for an assurance on that point.

Lastly, Sir, is the question—what eventually is to become of these men that we find of continuous use to us in fighting the Emergency? It is clear I think, Mr. Speaker, that men that we have used in that way cannot afterwards be prosecuted, just as if we have never used them at all. We have got to make our choice. If we are not prepared to prosecute them or detain them very quickly after the first flush of information has been obtained from them, then we have got to face that we cannot morally prosecute them at all. But we must not assume, Mr. Speaker, and I

[Mr. Slade] would like to gain an assurance from Government that they will not assume, that just because these men have been very active on our side, they are necessarily so changed in heart that when their usefulness is over, when their association with a particular individual whom they have come to respect and serve is over, their hearts are still going to be quite different from what they were when they were in the ranks of the enemy. There can be cases, Sir, where a man comes enthusiastically on the side of Government simply to pay off a score against a particularly enemy in the forest who has maltreated him there, or has got the best of him there. There can be cases where a man of no high moral qualities yet acquires great respect and affection for a particular individual officer. I believe it is quite common for it to happen with the officer who is responsible for the capture, or who first receives the surrender of the man who comes out of the forest. While the terrorist who has surrendered is with that officer he is his devoted servant, but that is all that is keeping him on the side of Government, and, when that personal contact goes, you do not know where his mind will go. I am not sure, Mr. Speaker, that I know the answer to these cases, but I think we have to have a clear policy, which is part of the long-term policy, as to what to do with these men when their usefulness is ended. Should they, in their own interests as well as in the interests of the community as a whole, then go through a kind of pipeline of detention such as is used for the rehabilitation of those now in Manyani and other places? Or should they be segregated for a time in a particular part of the country with a reasonable measure of freedom, but not entirely in uncontrolled contact with the whole of the community? Or what? I believe they have got to be kept under watch in some way, Sir, for a little time after they leave the service of Government. It may be that Government is not yet clear on that particular aspect now. If so, an assurance that that problem will be studied will satisfy me to-day, Sir.

The great need, Sir, and the purpose of this Motion is that we should all be told what Government is thinking, plan-

ning and doing in these matters; and also that when everybody does know, and has no excuse for making mistakes and acting contrary to the policy of Government, that those people will be expected to act accordingly, and the policy fully implemented.

Sir, I beg to second.

Question proposed.

THE MINISTER FOR LEGAL AFFAIRS: Mr. Speaker, Sir, the Government is in sympathy with this Motion and with the motives that underlie it, and I should like to express, on Government's behalf, our appreciation of the understanding with which it has been both moved and seconded.

In order to understand fully the problems which confront us in regard to captured terrorists and surrendered terrorists, it is necessary in the first place to be quite clear in our minds whom we mean by captured terrorists on the one hand and whom we mean by surrendered terrorists on the other, because the word "capture" is, in itself, without definition, a fairly loose term and I should be less than frank if I did not say that I consider that the word capture has been used somewhat loosely hitherto in the daily situation reports. Because, of course, every true capture is, as the hon. Member for Aberdare said, an obvious subject of prosecution. He is the man who is captured in action and includes the man who capitulates in action, or as a result of the force of arms. Now that man surrenders—in a sense, but he is not a surrender in the colloquial connotation of that term in this particular context. He capitulates in or as a result of battle and he is a capture. Similarly a terrorist who is caught with firearms or ammunition unlawfully in his possession, although it may not be in the course of a battle, but he is caught in a sweep or in preventive action by a patrol of the Security Forces, he, too, is a capture. Now also the unarmed member of an armed gang is a capture. He is another active and operational terrorist. He may be, at the time of capture, not in possession of one of the gang's weapons or of any of the gang's ammunition, but merely because on the day of his capture he is having a day off and his companion next to him in the gang is carrying the rifle or

[The Minister for Legal Affairs] the home-made gun which they share, he is none the less an active terrorist for our purposes in this context and he is a capture. He is also a capture if he is one of the appendages of a gang—of an active and militant terrorist gang fighting the Security Forces. He may be one of the type who moves with the gang or is attached to the gang, and fights with the gang only if it is absolutely necessary, but who otherwise performs functions like cooking and food carrying, but, for our purposes, he is part of the militant, active and operational terrorist organization and when we get him he is a capture.

There are other categories we are capturing and they also, in my opinion, are true captures, men who are hiding out in the reserves or elsewhere, in holes in the ground, in roughly constructed hide-outs under rubbish heaps, in trees or bushes, wherever it may be. They, too, are active and operational terrorists—they are on the run, and in hiding, and they are captures in the true sense.

Now it is in respect of those categories that we will speak, that I want to speak to-day, as captures and that in the future the sitreps will speak of as captures. There has been no design or attempt to inflate the figure in sitreps; in fact very often you find that a person who may, on first apprehension, be detained because of suspicious circumstances—he has no pass or something like that—he may turn out subsequently, by reason of extraneous intelligence, information derived from elsewhere, he may turn out subsequently to be an established terrorist and, in the final statistics, final analysis of captures, suspects detained, etc., he may be upgraded and put into the category of captures whereas initially he was in the category of suspects detained.

But, for the purposes of the initial report on which the daily sitreps are founded, it is, I think, desirable that the word "capture" should be used in that colloquial sense which I have described to indicate a man who is an active terrorist and who is captured as such.

Surrenders do not afford any comparable difficulty of definition because, again, in the colloquial sense we talk of surrenders as including these, and only

those, whose surrender is accepted under the prevailing surrender terms—that is to say, before the 18th of January this year and after the 10th of July this year, those who surrendered under what we call the "green branch" terms, and, in the intervening period, those who surrendered under the improved terms of the 18th of January. Those, and no one else, are surrenders for the purposes of this classification.

Now, if a person is arrested and he does not fall into either of those two categories, because of course let me explain that surrenders are, of course, arrests—they are held when they surrender—but if a person is arrested and does not fall into either of those two categories, then he will go into a third and residual category of "suspects detained".

Now, dealing first with captures, or rather, before perhaps dealing with either category specifically, I would wish to indicate certain considerations which have already been mentioned for the most part by the hon. Member and Second. The first, which is of transcendent importance in regard to our treatment and handling of both captures and surrenders, is the successful prosecution of the Emergency. Now this does not mean that considerations of law, or the requirements of justice, are to be wholly disregarded. On the contrary, the law must be and will be upheld, and the requirements of justice must be and will be met. It does mean, however, that we will not unnecessarily inhibit ourselves by restrictive laws, that we will not substitute for justice a sense of blind and vengeful retribution, to such a degree that we handicap ourselves in the successful prosecution of the Emergency.

Those are the fundamental considerations which form our approach to these problems.

Dealing, therefore, with captures, their treatment and handling, I confirm that with captures in the true sense which I have described, the objective is, and must be and will remain, prosecution for the offences which they have committed. Of course if they have committed murders or atrocities of which we have sufficient evidence to charge them, and put them on trial, that will

[The Minister for Legal Affairs] be done. It is done. Failing evidence of these specific crimes of atrocity, they will be, and are, prosecuted for the offences which the hon. Member for Aberdare described as Emergency offences, which, one might say are purely terrorist offences; really the offences necessary to, or tied up with, being a terrorist.

It must be recollected, however, in respect of captures, as in respect of surrenders, that a very large measure of our operational intelligence comes from these sources. We must, and will, continue to exploit these sources where any assistance in this regard can be obtained from them. There are, as has already been indicated, other uses—operational and related to assistance either in the field of information or in the field of active operations—which these people can, and in some cases do, provide. Now, with those considerations in our mind, captures are, and will continue to be, exploited immediately on capture for their, for what I might call their "hot", operational value. That period, over which they can be of immediate operational value, is not necessarily restricted, as my hon. friend the Member for Aberdare has suggested, to 24 hours. I accept the estimates of these matters from those who are concerned with them in a practical sense on the ground; but that period is necessarily a short one and will be kept short.

Following that immediate operational exploitation, there comes the detailed interrogation—the testing of information, the cross-referencing and the following up-of information. Now that is a more deliberate stage, it may take some time. It may give rise to further lines of value—operational or intelligence—which can with profit be pursued and they are, and will be, pursued. At the same time, however, as these two stages of interrogation and deliberate operational exploitation are in process, at the same time the investigation by the Criminal Investigation Department of a case for prosecuting will be proceeding simultaneously and, when those two stages have been completed, the man will be handed over to the Criminal Investigation Department for prosecution and trial and a limit will be set, is set, to the period by which the man must be in

the Criminal Investigation Department's hands.

In a limited, a very limited, number of cases, it may be, again as is recognized by the hon. Mover and Second, that one of these men may be of such material and outstanding value that it would be contrary to our interests to remove him as a source of assistance. The point in regard to those cases, and indeed in a general sense, is that if a terrorist, or indeed any person in respect of any crime, is not to be prosecuted for an offence of which there is evidence, the authority to make the decision whether he is to be prosecuted or not, and indeed the sole authority constitutionally, is the Attorney General.

Again, I would be less than frank with the Council if I did not say that my investigations have disclosed to me that in some cases in the past this authority of the Attorney General has not been fully appreciated and, moreover, that in some cases captured terrorists have been held not only without that authority but for periods in excess of those which might be considered to be reasonable.

As I stated recently in this Council, I have investigated this matter and action is being taken to ensure that these failings do not persist, that a clear-cut routine, a clear-cut understanding of what is expected of them in regard to the various categories which come into their hands, is going to be introduced for all security forces. There should, therefore, be a procedure which will ensure that the necessary balance is struck between prosecuting captured terrorists and using them to our own advantage, and it will be made quite clear that if, in that regard, it is desired by the Security Forces to retain a man who is open to prosecution, then the position must be represented, and I have asked that it be represented through authoritative channels, to the Attorney General and that he and he alone can constitutionally take the decision.

I need hardly say that in any such case there will have to be potent reasons advanced before I will accept the necessity for withholding prosecution, and I would also like to make it quite clear that I shall not be prepared to withhold from prosecution in any such case where there is evidence that the

[The Minister for Legal Affairs] man in question has been guilty of a murder or of another atrocity.

Coming to surrenders, Mr. Speaker, a surrender will be detained, quite apart from the question of prosecution. Of course, if he is prosecuted that is a different matter, but, leaving out for the moment the question of prosecution, a surrender is detained. Surrenders may be prosecuted for offences which do not fall within their surrender immunity. Now, although the green branch terms, as we know them, do state that the person surrendering under the umbrella of those terms will not be executed for what you might call terrorist offences, such as carrying arms and consorting, it has come to be interpreted, in practice, both in this country, as it was, and in precisely similar circumstances, in Malaya, as importing that although the immunity offences are those for which we have undertaken not to punish according to the law, we will not, in fact, prosecute for those offences. But, in respect of any surrender, other than a surrender under the blanket of the January 18th terms, in respect of any "green branch" surrender, he is open to any prosecution, prosecution for any offence, of which there is evidence warranting prosecution, outside the ambit of that surrender immunity. He will be prosecuted for any offence of murder or of atrocity and the like and, indeed, any other offence outside his surrender immunity. In fact, one such case is, at present, pending on a charge of murder.

What, Sir, therefore, is Government's policy? In regard to captures in the short- or medium-term, it is, first, immediate operational exploitation. Secondly, deliberate interrogation. Thirdly, further operational exploitation if it offers any prospects of profit. At the same time, the case for trial against the captured terrorist is being prepared in that statements of witnesses who will be able to prove his offence are being recorded, the people who actually captured him, and he will proceed to trial then within a limited time, the limited period necessary for this operational exploitation and for the obtaining by interrogation of any useful intelligence from him.

That is the general picture, with the exception of the case which I have already mentioned, which, for very special reasons and on the sole authority of the Attorney General, is exempted from prosecution by reason of his material contribution and prospective contribution to the successful prosecution of the Emergency.

Now, in the long-term captures, if they are not executed on conviction for capital offences, their future, after release from prison, or in due course from detention, their future will depend on the needs of security and on the consideration of their individual cases, the sincerity and genuineness of their conversion, if any, and their state of mind. To summarize it—because these matters are intangible—the summary of it is that their future will depend, and the method of their treatment will depend, on the extent to which they continue to present a menace to society. In the case of surrenders, the Government's policy is similar, immediate operational exploitation, deliberate interrogation and further operational exploitation if it gives any prospect of profit; prosecution and punishment for crimes for which they are liable to be prosecuted in the sense which I have elaborated; detention; and, again, their future in the ultimate analysis will depend on the extent to which they continue to present a menace to society. In implementation of this policy in the short-term there are the revised arrangements for handling and processing captures and surrenders which I have already referred to.

In the long-term, there is the constantly continuing process of rehabilitation and winning back from the psychological virus of *Mau Mau* as many as we can, but so long as is necessary in the interests of security, insulating society against the remaining dangerous elements.

Now, Sir, I will refer to some of the points made by my hon. friends, moving and seconding this Motion. I have dealt with the first question; well, perhaps I have not quite.

The hon. Mover referred to rumours that prosecution is not being pursued of captured terrorists for a number of reasons. That, to my knowledge, is

[The Minister for Legal Affairs]—quite untrue. It is, of course, a fact that you may get a person who subsequently turns out to be a known terrorist and he may be then classified as a captured terrorist, because we have got him in our hands, but there may be no evidence, no admissible evidence, to establish any particular criminal offence against him; that is merely one sub-category of the classification, but, for the most part there will be, as my hon. and learned friend from Aberdare has said, an obvious case on a straightforward capture. Those cases are proceeding and will continue to proceed to prosecution.

The hon. Mover also asked, how long can a man be kept in custody without a charge? Well, this again, relates to captures because, in the case of surrenders, quite apart from prosecution, they go straight on to a detention order. At the present time under the Emergency Assizes Regulations, and in the areas and in respect of the offences to which those Regulations apply, which relate for our purposes in the present context to these captured terrorists in the areas in which they are captured, a man can be held for 15 days without reference to court, whereafter he can be remanded for successive periods of 15 days. I propose that that period should be increased to 30 days as a maximum, to ensure that the whole process that I have described is completed within 30 days. As a maximum: I do not expect that that period will be utilized to the full in all cases. There will be, as I anticipate, a large majority of cases in which it will be possible, without robbing ourselves of any of the advantages which we can obtain from these people, to get them before a court within 15 days or even earlier. But there will be a number of cases, those, indeed, in which the greatest degree of assistance may be obtained from them, in which it may not be possible to complete the total process in that period of 15 days. Therefore, with the intention of not, as I say, inhibiting ourselves unnecessarily or handicapping ourselves in the prosecution of the Emergency, that period is likely to be increased.

He asked—the hon. Mover—will captures and surrenders be allowed to return after a short detention? Well I

have dealt with the short-term and the long-term aspects of Government policy. It is impossible to be too dogmatic in respect of the long-term, because, of course, the circumstances, considerations of security and the reaction and psychology of the individual, will all play part because, as I have said, it is Government's policy to ensure that society is insulated from dangerous elements so long as they remain dangerous, so long in fact as is necessary.

He also mentioned that it is being said that terrorists can avoid prosecution by giving temporary help. That is not so and will not be so. I have explained, and I think I need not go over the ground again, the conditions in which captured terrorists may be exempted from prosecution. It may be in rare cases and, as my profession is apt to say for good value.

As regards the points made by my hon. friend, the Seconder, I think I have dealt with some of them. I trust he will accept my assurances. The first assurance that he required, is the assurance that I have given, that the care which he asks for will be taken by myself, as Attorney General, that all captures and surrenders are prosecuted where it is warranted they should be prosecuted and for the offences for which they are liable to prosecution, and that there will only be exemptions for the most cogent reasons. I willingly give that assurance because it entirely conforms to my own determination.

The second assurance for which he asked was that those who are used for the advantage which can be obtained from them, should only be used in certain limited spheres. He mentioned the operational sphere and the sphere of intelligence, and not for screenings. I entirely agree with him and, in fact, so does the Government. It has only just come to notice that in one or two instances such people have been used for screening. This is entirely contrary to Government's own intention and will not be permitted in the future.

The third assurance for which he asked, was that we should not assume too readily that those who assist us have undergone a permanent change of heart. Well that, of course, is a matter, very largely, for those on the ground,

[The Minister for Legal Affairs] but, so far as Government is concerned, these people will not only have to work their passage back, as the saying goes, but will have to prove themselves and maintain that proof thereafter. It may be necessary to subject them to detention, possibly later to some modified form of restriction, but, at any rate, the need to watch very carefully for the marks of true sincerity and for the manifestations of true conversion will be maintained constantly in mind.

Mr. Speaker, Sir, I think I have covered the ground which has to be covered as fully as I can having regard to the considerations which my hon. friend the Mover mentioned in opening, and I accordingly, Mr. Speaker, beg to support.

MR. AWORI: On behalf of the African Members on this side, I would like to mention that we support the Motion.

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

SIR CHARLES MARKHAM: Mr. Speaker, I have nothing to add, Sir.

The question was put and carried.

MOTION

SUSPENSION OF STANDING ORDERS

THE CHIEF SECRETARY: Mr. Speaker, Sir, I beg to move that under Standing Order 168, Standing Orders be suspended to the extent necessary to enable the Council on its rising to-day to adjourn until 2.30 p.m. on Tuesday, 6th December, 1955.

Question proposed.

MR. HARRIS seconded.

The question was put and carried.

ADJOURNMENT

THE SPEAKER: I therefore adjourn Council until 2.30 p.m. on Tuesday, 6th December, 1955.

Council rose at forty minutes past Five o'clock.

Tuesday, 6th December, 1955

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

[Mr. Speaker in the Chair]

PRAYERS

ADMINISTRATION OF OATH

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

Dr. T. F. Anderson, O.B.E.

Mr. R. E. Luyt, D.C.M.

COMMUNICATION FROM THE CHAIR

THE SPEAKER: Hon. Members, I have received the following letter of appointment from His Excellency the Governor:—

"Appointment of Member to Preside at Meetings of the Legislative Council During the Absence of the Speaker"

By His Excellency Sir Evelyn Baring, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Royal Victorian Order, Governor and Commander-in-Chief of the Colony and Protectorate of Kenya.

IN EXERCISE of the powers conferred by Clause XXV of the Instructions passed under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief of the Colony and Protectorate of Kenya and bearing date the 29th day of March, 1934, as subsequently from time to time amended by Additional Instructions so passed as aforesaid, I do hereby appoint—

DIARMAID WILLIAM CONROY ESQUIRE, O.B.E., T.D., Q.C., to preside at meetings of the Legislative Council during the absence of the Speaker.

Given under my hand and the Public Seal of the Colony at Nairobi this 5th day of December, 1955.

Hon. Members this, of course, under our Standing Rules and Orders, appoints Mr. Conroy Chairman of Committees.

[The Speaker]

I would like to add from the Chair that judging from the experience I have already had of Mr. Conroy's assistance to me personally, I consider that the Council is singularly fortunate in securing so able a Member for the performance of a very exacting and thankless task. (Applause.)

THE CHIEF SECRETARY: Mr. Speaker, Sir, on behalf of all Members on this side of Council, I should like to extend a very warm welcome to the Chairman of Committees and express our great pleasure in his appointment.

MR. HARRIS: Mr. Speaker, Sir, may I associate myself with the remarks just made by the Chief Secretary.

MR. CONROY: Sir, may I say two things. The first thing I should like to say is to thank the Council, through you, for the kind and the most helpful things which have just been said. The second thing, Sir, is that I should like to say that in performance of the duties which have been put upon me, I shall do my best to help the Council, I will do my best to serve the Council.

MR. SPEAKER: Sir, in considering my expression of gratitude and my undertaking of service, I trust that you will think that I am none the less sincere for being brief.

PAPERS LAID

The following Papers were laid on the Table:—

East Africa High Commission East African Leprosy Research Centre Annual Report, 1954/55.

East Africa High Commission East African Railways and Harbours Draft Estimates of Revenue and Expenditure, 1956 and 1955 (Revised).

East Africa High Commission East African Virus Research Institute Report, January, 1954, to June, 1955.

(BY THE CHIEF SECRETARY)

Statement of Account of Emergency Expenditure—October, 1952, to September, 1955.

(BY THE MINISTER FOR FINANCE AND DEVELOPMENT)

Cotton Lint and Seed Marketing (Buyers' Licences and Fees) Regulations, 1955.

European Agricultural Settlement Board; Accounts for the year ended 31st March, 1955.

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

Medical Department Annual Report, 1953.

(BY THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING)

Game Department Annual Report, 1953/54.

(BY THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES)

ORAL NOTICES OF MOTIONS TARIFF ON GLASS BOTTLES

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

BE IT RESOLVED THAT Government be requested to review legislation whereby a protective tariff is imposed on imported glass bottles. Government is particularly requested to investigate the present position whereby a tariff imposed to protect a local industry is being operated in such a manner as to increase the cost of living factor on items which are bottled in containers, for which local manufacturers are unable to fulfil local requirements.

PRACTICAL APPLICATION OF LIDBURY PROPOSALS

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

WHEREAS the Lidbury proposals have now been in force for sufficient time to see the results of their practical application; and

WHEREAS the Lidbury proposals were accepted by the Legislative Council and the Civil Service in the belief that theoretical advantages would be apparent in practice;

BE IT RESOLVED THEREFORE THAT a local committee consisting as under be appointed with the following terms of reference:—

To report to the Legislative Council on the practical application of the

(Mr. Harris)
Lidbury Proposals with particular reference to:—

- New recruitment.
- The opportunities and inducements to local Europeans joining the Civil Service.
- The maintenance of standards of efficiency and integrity of the Civil Service.
- The contentment of the service as a result of the Lidbury Proposals.

The Committee to consist of—

Director of Establishments (*Chairman*); all members of the Executive Committee of the Whitley Council, with powers to co-opt other members of the Whitley Council to ensure representation of all major departments.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 31

MR. CHANAN SINGH asked the Minister for Internal Security and Defence to state:—

- How many European, Asian and African Inspectors of Police have applied for promotion to the rank of Chief Inspector during the current year?
- How many applicants of each race have been promoted to the said rank?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE: (i) Promotion to the rank of Chief Inspector is not conducted by application, but by recommendation and selection.

(ii) Fourteen European, one Asian and two African Inspectors have been promoted to the rank of Chief Inspector during the current year.

QUESTION No. 34

MR. HARRIS asked the Minister for Internal Security and Defence to state:—

- How many men of all races having received calling-up papers have left the Colony and of these—

- how many have been brought back for service;
 - How many have been charged with non-compliance with the National Service Ordinance?
- (2) How many men of all races have received calling-up papers, have failed to report for duty and, of these, how many are estimated to have left the Colony and Protectorate?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE: (1) Fifteen men of all races having received calling-up papers have left the Colony; of these—

- five were brought back for service;
- four of the five have been charged with non-compliance with the National Service Ordinance.

(2) Of the balance of ten men who, having received calling-up papers, left the Colony and failed to report for duty, one has not been traced and no legal offence was committed by the other nine because their departure was prior to the publication of Government Notice 1645 of the 15th November, 1954, which made it an offence for persons who had received a calling-up notice to leave the Colony without the permission of the Director of Manpower.

QUESTION No. 35

MR. SLADE asked the Minister for Agriculture, Animal Husbandry and Water Resources when will an Agricultural Appeals Tribunal be established under, and for the purposes of, the Agricultural Ordinance, 1955?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: As the hon. Member is aware, the Ordinance provides for the appointment of a Chairman of the Agricultural Appeals Tribunal by His Honour the Chief Justice of the Colony.

I have consulted the Chief Justice about the proposed appointment and I hope that the Agricultural Appeals Tribunal will be established before the end of the year.

QUESTION No. 36

MR. SLADE asked the Minister for Agriculture, Animal Husbandry and

[Mr. Slade]

Water Resources in view of the fact that construction of a wheat store at Thomson's Falls has been given out on contract, without previous advertisement for tenders, will the Minister please confirm—

- (a) that this procedure was exceptional, and due to urgency; and
- (b) that, whenever possible, the practice of advertising such works for tender will be maintained?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Yes, Sir. The procedure was exceptional, due to the operational necessity of completing rail-head storage for wheat as a matter of urgency. I can give the hon. Member an assurance that, whenever possible, the practice of advertising such works for tender will be maintained.

QUESTION No. 37

MR. CHIANAN SINGH asked the Minister for Education, Labour and Lands to state:—

- (1) The number of Asians who applied for plots in the Highridge area and the number of plots allotted?
- (2) The number of Asians who applied for plots in the South Nairobi area and the number of plots allotted?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: (1) 433 applications were received for residential plots in the Highridge area; 431 of these were from Asians. The number of plots allotted is 106, all to Asians.

(2) 624 applications were received for residential plots in the Nairobi South area; 622 of these were from Asians. The number of such plots allotted is 168, all to Asians.

72 applications, all from Asians, were received for 12 business-cum-residential plots in Nairobi South area, and two applications, both from Asians, were received for 11 business plots. In view of this very small demand for business plots it was decided to alienate the 11 plots in question as business-cum-residential plots, making a total of 23 business-cum-residential plots. These 23 plots were re-

advertised, 35 applications for them were received from Asians, and they have all been allotted to Asians.

QUESTION No. 39

LT.-COL. GHERSIE asked the Minister for Education, Labour and Lands to state whether Government, where land has been confiscated due to lack of development conditions, is prepared to refund to the lessee genuine expenditure incurred by the lessee up to the date of confiscation; from any profit accrued by Government as the result of the subsequent sale of the property.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: Government has no power to confiscate land for non-fulfilment of development conditions. If a lessee has failed to comply with those conditions and does not voluntarily surrender his lease Government has to proceed by way of an action in the Supreme Court under section 83 of the Crown Lands Ordinance, with a view to obtaining judgment ordering forfeiture of the lease.

Before such an action is instituted, the most careful examination of the case is made by Government: the fullest consideration is given to any representations made by the lessee; and it is customary practice to grant at least one extension of time after the expiry of the building period. No such action can be commenced unless the Government has given at least one month's notice to the lessee specifying the condition which has not been fulfilled.

If an action is instituted, the Court is empowered to grant relief against forfeiture of the lease upon such terms as may appear just and, in exercising this power, it is guided by the principles of English law and the doctrines of equity. In the event of the Court giving judgment in favour of the Crown, the lease is forfeited to the Crown and no refund of any expenditure incurred by the lessee is payable or, in the view of the Government, warranted.

LT.-COL. GHERSIE: Mr. Speaker, arising out of that answer, is it the intention of Government, having once made a profit out of the land in the first instance, that on a resale they make an additional profit at the expense of the original lessee?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: The answer to that, Sir, is that it is not the main intention of Government to make a profit, it is the main intention of Government to see that land is properly developed and that land does not lie idle which could be used by people who would develop it.

LT.-COL. GHERSIE: Mr. Speaker, Sir, arising out of that reply, is it the Minister who makes a decision in these matters or is it left to the Commissioner of Lands?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: In my recollection, Sir, I think the Commissioner of Lands does them at the moment. I do not think I have had a case referred to me, myself, personally, but they may have been referred to my predecessor.

LT.-COL. GHERSIE: Mr. Speaker, arising out of that reply, Sir, is it then left to the Commissioner of Lands to decide which case he will take through the courts and which he will not? Sir, I would like to remind the Minister that we have had an assurance from one of the Minister's predecessors that each one of these cases would be treated on its merits by the Minister.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: Mr. Speaker, Sir, I think these cases certainly should be considered on their merits and they certainly are considered on their merits. I personally feel that there is not much wrong in the Commissioner of Lands dealing with these matters himself. He is a very responsible officer and I have been quite willing to rely on his judgment.

MR. HARRIS: Arising out of that reply, Sir, would the Minister agree that in view of the possible political implications of these decisions, they should be taken at ministerial level?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: I am, Sir, quite prepared to give instructions that these cases be referred to the Minister in future.

MR. TYSON: Arising out of the last reply, Sir, the Minister has said that the circumstances are taken into consideration, but could we have an assurance from him that the difficulties of building

over the last few years in the Limuru area, for example, have been given full consideration in these cases?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: Mr. Speaker, Sir, I do give that assurance. Before any case is taken to Court, the circumstances surrounding the failure of the lessee to fulfil his conditions are very thoroughly gone into and no case is brought to the Courts unless the Commissioner of Lands considers it justifiable.

LT.-COL. GHERSIE: Mr. Speaker, Sir, in view of the assurance given by one of his predecessors, may we have an additional undertaking that these matters will be examined by the Minister and not necessarily the Commissioner of Lands?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: I will give that assurance, Sir.

QUESTION No. 43

MR. AWORI asked the Minister for Works to state: Who is responsible for the delay in macadamizing the seven-mile strip between Kisumu and Kiboswa referred to as being undertaken in His Excellency's speech from the Chair in October, 1954?

THE MINISTER FOR WORKS: The unfortunate delay in the task of bringing to bituminized standard the road between Kisumu and Kiboswa is due to the fact that the negotiations concerning tenders were of an unusually protracted character. This was entirely unavoidable. It was chiefly because the lowest tender was considerably above the £50,000 which was available. When these negotiations had been completed the contractors who had been selected had to cease functioning because of financial difficulties, and negotiations with other contractors had to be made. These were only completed in July, 1955, and work commenced immediately. It is now confidently expected that the whole work will be completed by November, 1956.

MR. HARRIS: May I rise on a point of order, Sir? I wish to raise a point of order, Sir, that if a Minister cares to reply to a question, should he not reply to the question briefly and also give the reply to the question which starts off "Who . . ." and not give his future hopes and fears on a project which has nothing to do with the question, Sir?

THE SPEAKER: The answering of questions is entirely at the discretion of the Minister concerned. I do not see that I or anybody in the Council can prescribe the form in which he may see fit to give answers to questions.

QUESTION No. 50

MR. MATHU asked the Minister for Local Government, Health and Housing to state: How much it will cost each of the 17,000 persons in low income groups to acquire one quarter-acre plot out of the 700 acres of Section VI, Mombasa Mainland (North), in accordance with the allocation No. 23 of Sessional Paper No. 97 of 1955?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: I regret it is not possible at this stage to anticipate what the cost will be to acquire a quarter-acre plot in the area of 700 acres of Section VI, Mombasa Mainland (North), where the pooling and redistribution of land is under consideration. As the plots would belong to private landowners the cost would be according to ruling market prices which are subject to a number of influences at any one time.

MOTION

SUSPENSION OF STANDING ORDERS

THE MINISTER FOR LEGAL AFFAIRS: Mr. Speaker, Sir, I beg to move: "That under Standing Order 168, the Standing Orders be suspended to the extent necessary to enable the Criminal Procedure Code (Amendment and Validation) Bill (Bill No. 13) be taken through all its stages on Wednesday, 7th December, 1955".

I move this Motion reluctantly, Sir, because I realize the undesirability of attempting to anticipate the full measure of procedure for which the Standing Orders provide in regard to the introduction of Bills. However, the Bill in question has, as hon. Members will be aware, a clause in it relating to the list of jurors and assessors, which clause repairs an omission over the years, since 1951, and regularizes a situation which is most unsatisfactory. Although it does not, I think, have any vital effect on trials, either past or now proceeding; nevertheless, the situation is unsatisfactory. The Bill does concern an important

matter which should be clarified and regularized as soon as possible.

Therefore, Sir, I ask the indulgence of the Council to enable me to take this Bill in advance of its full maturity under Standing Orders.

Sir, I beg to move.

Mr. CONROY seconded.

Question proposed.

The question was put and carried.

BILLS

FIRST READING

The African District Councils (Amendment) (No. 2) Bill—(The Minister for Local Government, Health and Housing)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

The Special Pensions Bill—(The Minister for Finance and Development)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

BILLS

SECOND READING

The Maize and Sorghum (Imposition of Cess) (Amendment) Bill

Order for Second Reading read.

MR. RODDAN: Mr. Speaker, Sir, I beg to move that a Bill entitled an Ordinance to amend the Maize and Sorghum (Imposition of Cess) Ordinance, 1954, be now read a Second Time.

The need for this small amending Bill, Sir, is fairly clearly explained, I think, in the Memorandum of Objects and Reasons. The position is that just over £1,000,000 accrued to Government on the winding-up of East African Cereals Pool as at 31st July, 1952. Between that date the 28th day of October, 1954, certain sums were paid out of the credit. On the 28th of October, 1954, the Maize and Sorghum (Imposition of Cess) Ordinance, 1954, came into force. Paragraph (a) of section 3 of that Ordinance requires the credit as at 31st July, 1952, to be credited to the Maize Fund and failed to take into account the fact that payments had already been made from that fund. The moneys paid during that interval were proper and legal and it is desirable to amend paragraph (a)

[Mr. Roddan]

of the section, in order that it should relate to the balance of the credit as it stood at the date on which the Ordinance came into force. Paragraph (a) of clause 2 of this Bill makes the necessary amendment.

In addition, Sir, certain maize transactions, on an interterritorial basis, have resulted in a profit being made by Government through the agency of the Maize Control, and it is deemed equitable that any such sum should, with the concurrence of the Minister for Finance, be credited to the Maize Fund. Paragraph (b) of clause 2 of this Bill makes provision enabling these sums to be credited to the Maize Fund. Clause 3 of the Bill makes similar provision in regard to the Sorghum Fund.

Mr. Speaker, Sir, I would like to give notice of an amendment which I propose to move in the Third Reading of the Bill. Section 4 (1) of the main Ordinance reads, "The Maize Fund should be applied primarily in such manner as the Minister may determine for the purpose of meeting losses incurred after the 1st of August, 1954, on the sale of maize surplus to the requirements of the Colony".

The representatives of maize producers, Sir, have agreed that a sum of £35,421 representing losses incurred in the export of maize from the Colony in the crop season prior to the enactment of the main Ordinance, should be accepted and debited to the Maize Fund of the Ordinance, and in order to give legal attention to that debit, I propose to move the necessary amendment in the Third Reading of the Bill.

Mr. Speaker, Sir, I beg to move.

THE MINISTER FOR COMMUNITY DEVELOPMENT seconded.

Question proposed.

The question was put and carried.

THE PROBATION OF OFFENDERS (AMENDMENT) BILL

Order for Second Reading read.

THE MINISTER FOR COMMUNITY DEVELOPMENT: Mr. Speaker, Sir, I beg to move that a Bill entitled an Ordinance to amend the Probation of Offenders Ordinance be read a Second Time.

Sir, this is a simple and straightforward Bill which is self-explanatory. Its object is to bring into the operation of the Probation of Offenders Ordinance a selected number of African courts, which up to this time, do not come under it. This object, it is proposed, Sir, will be achieved by an amendment to the definition of the word "court" in order to include a number of selected courts which have been established under the African Courts Ordinance, No. 16 of 1951.

I beg to move.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING seconded.

Question proposed.

The question was put and carried.

THE CONTROL OF IMPORTS AND EXPORTS BILL

THE MINISTER FOR COMMERCE AND INDUSTRY: Mr. Speaker, I beg to move that the Control of Imports and Exports Bill, as amended, be considered and that the Report of the Committee be agreed.

Sir, I need only speak briefly to say that the Bill referred to under the short title, which I have just read out, was previously known in its short title as the Trade and Supplies Bill. The Bill has been reprinted incorporating the change of short title and also the amendments agreed in Committee of the whole Council.

I beg to move.

Mr. CONROY seconded.

Question proposed.

The question was put and carried.

THE CONTROL OF IMPORTS AND EXPORTS BILL

THE MINISTER FOR COMMERCE AND INDUSTRY: Mr. Speaker, I beg to move that the Control of Imports and Exports Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

COMMITTEE OF THE WHOLE COUNCIL

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

IN THE COMMITTEE

[Major F. W. Cavendish-Bentinck, C.M.G., M.C., in the Chair.]

THE PRICE CONTROL BILL

Clauses 1 to 14 agreed to.

Clause 15

MR. CONROY: Mr. Chairman, Sir, I beg to move that clause 15 be first amended by inserting the words "price-controlled" immediately before the word "goods" in paragraph (d) of sub-clause (1).

Sir, I think it would be convenient if I were to ask the Committee to remember that on the Second Reading of this Bill the hon. and learned Member for Aberdare drew attention to certain matters of criticism in the Bill. In particular he criticized firstly clause 15 (1) (d) in that he said the Price Controller or other officers had power to prohibit and regulate the movement of any goods. Sir, the criticism is justified, the power is too wide and it is now proposed in this amendment to give power to prohibit and regulate the movement of price-controlled goods only.

There will be other amendments which I shall move in the course of this Committee stage where the same argument applies.

I, therefore, beg to move that clause 15 (1) (d) be amended by inserting the words "price-controlled" immediately before the word "goods".

Question proposed.

The question was put and carried.

MR. CONROY: Sir, I beg to move that clause 15 be further amended by deleting the expression "or any person authorized in writing by any of the foregoing," in the second and third lines of sub-clause (5).

Sir, the genesis of this amendment is the same as that of the last and I need say no more than that it is intended to restrict the powers which would otherwise be exercisable under the legislation.

I beg to move that that amendment in the terms that have been circulated to Members be laid.

Question proposed.

The question was put and carried.

MR. CONROY: Sir, I further beg to move that clause 15 be amended by inserting the words "price-controlled" immediately before the word "goods" in the second line of paragraph (f) of sub-clause (5).

Sir, this again is a restriction of powers that were originally drafted in the Bill. Clause 15 (5) (f) empowers the Price Controller and other officers to demand from the person in possession of any goods, invoices, contracts or other documentary evidence of such sale. Of course, this is only intended for price-controlled goods and the amendment, which I am now moving, seeks to restrict the power to that end.

Question proposed.

The question was put and carried.

Clause 15, as amended, agreed to.

Clause 16

MR. CONROY: Sir, I beg to move that clause 16 be amended by inserting immediately after the word "may" in the first line the expression "with the approval of the Minister".

The purpose of this amendment, Sir, is to restrict power which is given in clause 16 to the Price Controller to delegate his powers. It is proposed by this amendment, if enacted, that the Price Controller should only be able to delegate his powers with the approval of the Minister.

I beg to move.

Question proposed.

The question was put and carried.

MR. CONROY: Sir, I further beg to move clause 16 be amended by substituting for the words "Controller or to any other person approved by the Minister," in the sixth line, the words "Controller or to any Price Inspector or to any Assistant Price Inspector or to any other person".

Sir, the purpose of this amendment is to correct an omission in the section which deals with the delegation of powers by the Director to subordinate officers. The Price Inspector or Assistant Price Inspector was omitted and clearly it is necessary that powers should be delegated to such officers for the purpose of prevention or breaches of the Ordinance.

[Mr. Conroy]

I, therefore, beg to move that that amendment, of which notice has been circulated to Members of the Council, be approved.

Question proposed.

SIR CHARLES MARKHAM: Mr. Chairman, the reason I ask, Sir, is exactly what you read out, Sir. Does the words "by the Minister" in the sixth line now come out, Sir? I do not quite understand this amendment as moved by my friend, the Solicitor General, Sir.

MR. CONROY: Those words become redundant in view of the former amendment in the first line in which the words here inserted "may with the approval of the Minister". Therefore it is not necessary for the Minister to give his approval twice; that is the implication of the second amendment, otherwise the Price Controller may with the approval of the Minister delegate his power to any other person approved by the Minister.

SIR CHARLES MARKHAM: I think it is very important that he does approve because under that No. 16, the Price Controller can delegate to the Deputy Price Controller, but it is very important that when the Deputy Price Controller delegates in turn the Minister should approve the appointment, otherwise you might get the anomalous position where the first person delegated is approved of and the second person is completely unacceptable to the Price Controller or to the Minister, and I do suggest, Sir, that approval by the Minister in the second instance is equally important as in the first.

MR. CONROY: Sir, as I read the clause there is no double delegation and if I may go back to my Latin, which is a little rusty, *delegatus delegare non potest*—a delegate cannot delegate. The effect of clause 16 is that the Price Controller may with the approval of the Minister delegate to any of those people specified. There is no question of a further delegation by any of those officers to someone else, and, therefore, it would be unnecessary, I think, and I hope I am right in this, the hon. Member will put me right if I am wrong, it seems to me that if the Price Controller can only delegate to those people with the approval of the Minister it is unnece-

sary to say again that the Price Controller may delegate these powers with the approval of the Minister to any person approved by the Minister. Therefore, the second approval has been omitted. That is the intention behind the amendment.

MR. SLADE: Mr. Chairman, it is a fine point, but it does seem to me also that we ought to keep the words, "approved by the Minister", because, as the clause is now amended, we get the position that the power of delegation cannot be exercised without the approval of the Minister, but, once that approval is given, there is no restriction on how it is to be delegated, as to the persons, in whose favour it is used. We want to make sure, not only that delegation is subject to the approval of the Minister but that the particular person to whom delegation is made is also subject to approval.

MR. CONROY: Government is prepared to accept the argument put forward by the hon. and learned Member for Aberdare. Sir, if I might rephrase the amendment. The words, "Controller or to any other person" will be omitted from line 61 and that the words "Controller or to any Price Inspector or to any Assistant Price Inspector or to any other person" who will be inserted in their place. That is to say, Sir, the same words will be inserted as are set out in the notice of the amendment circulated, but different words will be deleted.

If I might read the notice of the amendment as amended: Sir, that clause 16 be amended by substituting for the words "Controller or to any other person", in the sixth line, the words "Controller or to any Price Inspector or to any Assistant Price Inspector or to any other person".

The question was put and carried.

Clause 16, as amended, agreed to.

Clause 17

MR. CONROY: Sir, I beg to move that clause 17 be amended by renumbering the existing clause as sub-clause (1) and by inserting a new sub-clause as follows:—

"(2) An appeal shall lie to the Minister against any decision of the Price Controller under this section; every

[Mr. Conroy] appeal shall be in writing and shall be lodged with the Minister within seven days of the communication to the person concerned of the Price Controller's decision; and the decision of the Minister shall be final."

Sir, clause 17 as originally drafted gave various powers to the Price Controller. Those were powers to cancel, revoke, amend or vary any permit, exemption or permission. It is now proposed, Sir, that an appeal shall lie as of right against the decision of the Price Controller in any of those respects.

I accordingly beg to move that clause 17 be amended in accordance with the terms of the notice of amendment which has been circulated.

Question proposed.

The question was put and carried.

Clause 17, as amended, agreed to.

Clause 18.

MR. CONROY: Sir, I beg to move that clause 18 be amended by substituting for paragraph (c) in sub-clause (1) thereof a new paragraph as follows:—

"(c) the precise amount of the overcharge involved in any transaction, subject to proof that such transaction has constituted an offence involving overcharge."

Sir, you will recall that on the Second Reading objection was raised to this paragraph (c) in that it really gave power to the Price Controller to certify that someone was guilty of an offence or it could be certainly so read. So we set about trying to find out what the original intention was and we came to the conclusion that the paragraph really meant that where you have complicated cases, and it was difficult to arrive at the precise amount of the overcharge, the Price Controller should be given power to decide and certify that the sum was correct and that the calculation was correct subject to the Court finding the person guilty of the offence. This meant that the certification should only prove the amount of overcharge, the commission of the offence had to be proved by other evidence.

Well having decided that, Sir, the question then arose as to how we must

draft it and we all had a go at it, if I may use the expression, until eventually we asked the hon. and learned Member for Aberdare, if he would draft it and this is his draft, Sir, which we have in front of us to-day. I must thank him for doing my work for me.

Sir, the effect of the amendment is that the amount of the overcharge can be certified subject to the Court finding that the offence has been proved. In other words, the calculation, by which the amount of the overcharge has been arrived at, is certified by the Price Controller and his certificate is *prima facie* evidence in Court. It does not prove that the accused has been guilty, you still have to produce evidence that he has overcharged and that the price charged was so much and that will be deducted from the certified price and then you find out the amount overcharged.

I accordingly, Sir, beg to move clause 18 be amended in the terms of the notice of the amendment which has been circulated.

Question proposed.

The question was put and carried.

Clause 18, as amended, agreed to.

Clause 19.

MR. CONROY: Sir, I beg to move that clause 19 be amended by renumbering the clause as "20" and by substituting for the first seven lines thereof the following words:—

"The Price Controller, or any Deputy Price Controller or any Assistant Price Controller, or any police officer of or above the rank of Inspector, if he has reasonable cause to believe that any offence is being committed on any premises against any of the provisions of this Ordinance, or if he has reasonable cause to believe that any goods, in respect of which there is reasonable ground for suspecting that such an offence has been committed, are in or upon any premises and that the delay which would occur in obtaining a search warrant as hereinbefore provided would, or would tend to, defeat the purposes of this Ordinance, may enter and search."

Sir, the purpose of this amendment is two-fold. You will notice that clause 19 and clause 20 contain respectively the

[Mr. Conroy] powers of entry and seizure without warrant and power to enter and search premises under a warrant. It was pointed out in the Second Reading that that was putting the cart before the horse, that the normal practice would be where a search warrant was obtained and powers were exercised under a search warrant. Therefore, it is proposed to make clause 19, under which powers of entry were exercised with a search warrant, the first clause, and clause 20 the following clause, to deal with the less normal occurrence—entry and search without warrant.

Sir, the second purpose of the amendment is really contained in the last four lines of the notice of the amendment that has been circulated. That is to say, that the powers of search will only be used where the delay, which would occur in obtaining a search warrant as hereinbefore provided, would, or would tend to defeat the purposes of this Ordinance. In other words, that where those circumstances do not arise, then the officer proposing to enforce the law, has to go and get a search warrant. It is only where it is a matter of great necessity and great urgency, that he can enter and search without warrant.

I accordingly beg to move, Sir, that clause 19 be renumbered and be amended in accordance with the notice of amendment which has been circulated.

Question proposed.

The question was put and carried.

Clause 19, as amended, agreed to.

Clause 20.

MR. CONROY: I beg to move that clause 20, as originally numbered in the Bill, be renumbered to read clause 19.

Question proposed.

The question was put and carried.

Clause 20, as amended, agreed to.

Clause 21.

MR. CONROY: Sir, I beg to move that clause 21 be amended, firstly, by deleting the expression "or any person authorized in writing by any of them," which occurs in sub-clause (1).

Question proposed.

The question was put and carried.

MR. CONROY: Sir, I further beg to move that clause 21 be amended by substituting for the words "may thereupon seize such vehicle and any goods found therein," which occurs in sub-clause (2) thereof, the words "may thereupon seize any goods found therein, being goods which such officer has reasonable cause to believe are goods in respect of which an offence under any of the provisions of this Ordinance is being, or has been committed."

The reason for the amendment, I think is obvious, as clause 21 (2) originally gave power to seize a vehicle and any goods found therein. It is obviously intended that the power of seizure could only apply in respect of goods in respect of which an offence is committed or is being committed.

Question proposed.

The question was put and carried.

Clause 21, as amended, agreed to.

Clause 22.

MR. CONROY: Sir, I beg to move that clause 22 be amended by inserting, immediately after the words "of a perishable nature", the following—

"or that by reason of the fact that the market for such goods is seasonal or that to delay the disposal of the same would otherwise unduly prejudice the owner thereof."

Sir, this is an amendment which it is proposed to make in consequence of the criticism made by the hon. Member for Mombasa in the Second Reading, when he drew the attention of the Council to the fact that clause 22 did not provide for the loss that would fall on any trader whose goods, which have reasonable value, having been seized, by reason of their detention had lost their seasonal market. The proposal is that where such goods are seized, they will be taken in front of the Magistrate and he can order their sale, so as to catch the Christmas or Easter market, whatever it is, and that the question of who is entitled to the proceeds of the sale can later be settled without the danger of losing the seasonal market.

Sir, it is similar to other amendments in another Bill which the Council has approved.

I would, therefore, beg to move that clause 22 be amended in accordance

[Mr. Conroy] with the notice of amendment that has been circulated.

Question proposed.

The question was put and carried.

CAPTAIN HAMLEY: Mr. Chairman, Sir, I would like to ask the Solicitor General whether some of these words are redundant. I know that the matter arose over the effect on seasonal goods, but does he not think that the matter might be shortened and the whole thing clarified by the use only of the words "the delay of the disposal of the goods would unduly prejudice the owner thereof"; is there really need to talk about seasonal goods in this connexion.

MR. CONROY: Sir, they were put in for two reasons. One because they were already put in in another Bill (I must agree that this is not necessarily a good reason) and the second reason was that where powers are given to a Court to interfere with someone else's goods it is always desirable to set out those powers very clearly, and the objection that was made to the powers, as drafted, was that they did not cover the case of the seasonal goods, and it was for that reason that it was drafted specifically in these terms. I should not like to recommend variations without more mature consideration, Sir, and perhaps the hon. Captain Hamley would like to consider the Bill, when reprinted for the consideration of the report, and see how it looks then. I should not like to vary it now because it was amended after very considerable discussion.

The question was put and carried.

Clause 22, as amended, agreed to.
Clauses 23 and 24 agreed to.

Clause 25

SIR CHARLES MARKHAM: Mr. Chairman, I would just like to ask my hon. and learned friend whether he can elaborate? I gathered from his speech during the Second Reading that we must overstrengthen the question of subparagraph (b) which is this whole question of refusal to sell goods to the Price Controller. I am wondering, Mr. Chairman, whether by chance he would, when it comes later on, perhaps think of a method of strengthening this because, to

take an example, Sir, there are different scales of price-controlled goods. *Posho*, for example, Sir, is controlled in bulk lots; it is controlled again in 200-lb. lots; it is controlled again in 1-lb. lots and, of course, it is quite easy, under that particular clause, to charge the bulk lot or the other way round. In other words, a person goes in and says, "I will only buy 100 lb. of *posho*, but I am sorry I am not prepared to sell it to you at the price of 52/95. I am only going to sell it to you at the per pound market price". I do not see how that trader gets caught under that particular clause, Sir.

MR. CONROY: If a dealer refuses to supply such goods in reasonable quantities, he commits an offence. If he refuses to supply a ton of *posho*, or if he refuses to supply an ounce of *posho*, then I would say it is not a reasonable amount and he commits no offence. I may be entirely wrong in this, but, if the customer asks for a sack or a pound, that is the demand to supply such goods in reasonable quantities, and if the person carrying on the business and selling those goods refuses to supply, then he will be committing an offence. I may be wrong, Sir, but perhaps the hon. Member for Ukamba might be able to discuss it, and see whether, at another stage, something can then be added to the Bill to what he now considers should be added.

SIR CHARLES MARKHAM: Mr. Chairman, there is nothing in this Bill to enforce a person. If I want 200 lb. of *posho*, there is nothing in this Bill to say you have got to sell it, that you must buy two lots of 100 lb., or the trader says I will only sell you two lots of 100 lb. That is the point I tried to make to my learned friend, Sir. I cannot see how we are going to cover this under this particular clause, Sir.

MR. CONROY: This is a matter for the regulations prescribing the price of *posho*—if it says the price for 200 lb. shall be x shillings, then the supplier can wrap it up in quarter-pound bags, but he still has to charge x shillings for 200 lb. of *posho*. I should have thought, I may be wrong, but it seems to me that section 25 covers that. I can see that you might have difficulties of proof, of two people standing in front of a magistrate, one swearing one way and the other swearing the other but that is one of the

[Mr. Conroy] difficulties that you meet in any criminal offence. But, subject to the proof being there that the supplier refuses to supply 200 lb. of *posho* at the price fixed for 200 lb., I should have thought that was an offence.

THE CHAIRMAN: I have now written amendment from the hon. Member. There will be another opportunity at the report stage to bring this matter up, and, in the meantime, you could possibly discuss it. So, I think, I will now put the question.

The question was put and carried.

Clause 25 agreed to.

Clauses 26, 27 and 28 agreed to.

Clause 29

MR. CONROY: I beg to move that clause 29 be amended firstly by inserting immediately after the word "shall" in the 12th line—line 41—of paragraph (a) of sub-clause (1) the expression, "save where the prosecution alleges the falsity of the contents of such invoice,"

Sir, this amendment arises from criticism which the hon. Member for the Central Electoral Area made in the Second Reading, when he said that he thought it should be good enough to allow ordinary rules of evidence to apply. Well, Sir, this amendment, and the following two amendments which I propose to move in this clause, do really, I think, bring it back to the familiar—nearly to the ordinary—rules of evidence. The purpose of this amendment is: where an invoice or other document is found in the possession of anyone, the contents of the invoice shall be evidence against him—and that, I have always understood, is the normal rule of evidence—that a document found in your possession can be evidence against you.

I accordingly beg to move that clause 29 be amended in accordance with the Notice of Amendment which has been circulated.

Question proposed.

The question was put and carried.

MR. CONROY: I beg to move that clause 29 be further amended by inserting a full stop after the word "copy" in the fifteenth line—line 44—of paragraph

(a) of sub-clause (1), and by deleting the remainder of the said paragraph.

Sir, I have already explained the reasons for this amendment.

Question proposed.

The question was put and carried.

MR. CONROY: I beg to move that clause 29 be further amended by deleting sub-clause (2) and by renumbering sub-clauses (3), (4) and (5) as "(2)", "(3)" and "(4)" respectively.

Question proposed.

The question was put and carried.

Clause 29, as amended, agreed to.

The question was put and carried.

Clauses 30 to 32 agreed to.

Clause 33

MR. CONROY: Sir, I beg to move that clause 33 be amended by renumbering the existing clause as "(1)", and by inserting therein a new sub-clause as follows:—

"(2) All regulations made under this section shall be laid before the Legislative Council as soon as may be after they are made, and if a Resolution is passed within the next twenty days on which the Council sits next after any such regulation is laid before it that the regulation be annulled, it shall thereupon be void, but without prejudice to the validity of anything done thereunder, or to the making of any new regulation."

Sir, I think the amendment speaks for itself, and is designed to give this Council control over regulations made under the Ordinance.

I accordingly beg to move that clause 33 be amended in accordance with the amendment of which I have given notice.

Question proposed.

MR. SLADE: Mr. Chairman, as this is the last of a long list of amendments put forward by the hon. Solicitor General, I should like to express appreciation of the careful attention he has paid to the many points made during the Second Reading, and of the extent to which he has gone to meet the views of hon. Members on this side of Council with regard to those points.

MR. CONROY: This is a matter of formality. I was merely the lawyer here,

[Mr. Conroy] called in to advise. I was merely obeying instructions which I received from the Treasury. It was the Treasury which decided to accept the amendments.

THE CHAIRMAN: I have not yet had a chance of putting the question.

Question of the amendment proposed. The question was put and carried. Clause 33, as amended, agreed to. The question was put and carried. Clauses 34 and 35 agreed to.

THE CHAIRMAN: Now, I understand there are two new clauses, of which notice has been given.

MR. CONROY: They are, Sir, set out on the first page of the list of amendments that have been circulated. The first new clause provides that all orders made under sections 5, 6 and 7 of this Ordinance, these—broadly speaking—are the powers to control prices—that is, by fixing prices, or regulating prices or determining prices—shall be laid before this Legislative Council as soon as may be after they are made; and that, of course, gives the Council the power, if they do not like the prices that have been fixed or determined or regulated, to have a debate on the subject, and to annul the regulations which fix or determine or regulate the price of these various goods.

Accordingly, Sir, I shall probably bring up this new section for inclusion in the Bill on that basis.

THE CHAIRMAN: Will you take both of them together, or one at a time?

MR. CONROY: If I could bring up both together, Sir, I should be obliged. The new clause 9 which I have asked to be inserted in the Bill is to provide—where the Minister is given those powers under sections 5, 6 and 7—that he shall not delegate them but he shall exercise those powers himself.

Clauses read a First Time.

MR. CONROY: Sir, I beg to move that the two clauses, Nos. 8 and 9, set out on the first page of the list of amendments, be added to the Bill.

Question proposed.

The question was put and carried.

The title and enacting words agreed to. Bill, as amended, to be reported.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that the Committee do report back to the Council.

Question proposed.

The question was put and carried. Council resumed.

[Mr. Speaker in the Chair]

REPORT

THE SPEAKER: I have to report that the Price Control Bill has been considered by a Committee of the whole Council, clause by clause, and the same has been approved with amendment. Can I have a day for the Report stage?

THE MINISTER FOR FINANCE AND DEVELOPMENT: To-morrow, Sir.

MOTION

DOCUMENTATION OF DOMESTIC SERVANTS

MRS. SHAW: Mr. Speaker, Sir, in accordance with Standing Order No. 34, I beg to seek your permission to amend the Motion standing in my name to read as follows:—

BE IT RESOLVED THAT, in the opinion of this Council, it is essential that a system of documentation of domestic servants, including a complete record of service, should be introduced without delay.

I should explain that this in no way alters any principle embodied in the original notice of motion.

THE SPEAKER: Mrs. Shaw, you may speak on that.

MRS. SHAW: Mr. Speaker, Sir, I am asking hon. Members of this Council to give this Motion their whole-hearted support because it is essential in the interests of public safety that a comprehensive system of documentation of domestic servants should be introduced forthwith. From the security angle the need for this has been amply demonstrated by many of the murders committed under the *Mau Mau* and, more recently, by the double tragedy at

[Mrs. Shaw] Nakuru. The investigation of these horrible crimes has often been hampered by the ineffectiveness of the present system of documentation. In fact, it is obvious that many of the documents in circulation to-day are not worth the paper they are printed on, and I hope, during the course of my speech, to bring evidence of this before Council.

It will not be necessary for me to remind hon. Members that, until 1948, we had a very effective system of documentation, with the *kipande* and the Red Book, which was thrown overboard as a result of the demands by the Kikuyu political agitators, the Government at that time being more concerned to assuage such public clamour than to ensure public safety. The weakness of their action, which has had disastrous results, has been well described in a leader in the *East African Standard* of the 9th November, which, Sir, with your permission, I should like to read—at least, to read an extract from:—

"Memories do not have to be very long to remember the lamentable series of abject decisions by the Government, in the face of insolent demands by Kenyatta and his Kikuyu-dominated Kenya African Union, which broke down the whole structure of identification so laboriously and expensively created. The first step, when Kenyatta threatened to burn the *kipande*, was the withdrawal of that very useful document in its established form, and it subsequently lost its value as a combined identification and record of service. The second, no less serious, was the abolition of the Red Book carried by domestic servants which was a reliable guide to character, and was a coveted possession of all self-respecting employees. The third was the enforced acceptance of a system of fingerprint registration of the European community as a sop to the Kikuyu agitators."

That, I think, is a very fair summing-up. Many of us would like to see the *kipande* returned for all labour, but I feel that it is so essential for the householder to be safeguarded that I have confined my Motion to domestic servants, for there is a great deal of truth in the saying attributed to Plutarch that "the conduct of a wise politician is ever

suitable to the present posture of events. Often, by foregoing a part, he saves the whole, and by yielding in a small matter, he saves the greater."

The danger to which our householder has been subjected by the discarding of the Red Book has been tragically underlined by the murders under the *Mau Mau* reign of terror—and others—and, in almost every case the murders were either committed by, or with the aid and knowledge of, domestic servants; servants who had worked in and around the house, and were therefore conversant with the daily habits and routine of their employers.

As long ago as 1929, the East Africa Women's League realized the necessity for some better form of documentation, and started working on a book for registration. The history of the Red Book is that they produced this book in 1929, and it was gazetted in that year and thereafter could be applied through local option. Nairobi, I believe, was the first area to exercise this option, but other areas followed suit, such as Nakuru, Kitale and Mombasa. The Red Book, therefore, has been in force, as I say, through local option in certain areas of Kenya since 1929, until it was abolished by Government in 1948, and it indeed proved a most useful document, although—in my opinion—it would have been very much better had it contained a photograph.

The argument put forward then by Government that photographs, as a means of identification, were impracticable, has since to use a colloquialism—been debunked by Government for, as a security measure, they have introduced the Pass Book for the Kikuyu, Embu and Meru tribes, which is dependent, in the first place, upon a photograph. This would not have been necessary, I contend, had the present documentation been effective, but the Buff Card is a complete waste of time and money. Also, any document that depends entirely and solely on a thumb-print, or thumb-prints, is no safeguard, I contend, Mr. Speaker, to a householder, who has no means of establishing whether that document belongs to the man applying at the back door for work, or whether it is a document that he has obtained from someone else.

[Mrs. Shaw]

But here I must sound a word of warning. All householders are demanding some form of effective documentation, but it can only be effective with their co-operation. For instance, when the Red Book was abolished by Government in 1948, the East Africa Women's League, in order to protect the employer and the good servant, issued a Brown Book where details of employment, character and ability, as well as tribal documentation, were to be found, but so few employers insisted on the production of this Brown Book when domestic servants were applying for work that the arrangement fell down and, according to the Chief Registration Officer, this failure of employers to co-operate resulted in 26,000 Africans being registered under this voluntary Brown Book, as against 67,000 under the compulsory Red Book; so employers must play their part if they want the protection of an effective system of documentation.

I have been in consultation with the president and the committee of the East Africa Women's League, who have had much experience in this matter, and they, together with the Nairobi Chamber of Commerce, have placed before the Minister for Labour proposals for an effective system on which they have been working for the past two years. No doubt, the Minister will find these proposals most helpful and, although I am not conversant with their detail, I believe that in the main they are along the lines which I am now going to suggest to the Minister, for I think that the documentation—to be effective—must cover the following points.

The book to be carried by all domestic servants must be compulsory, and I believe that the term "domestic servant" covers cooks, houseboys, ayahs, doxies, waiters, garden boys, syces and chauffeurs—in fact, all those who work in and around the house—but, to be legally correct, with your permission, Sir, I should like to read the Schedule in Chapter 110, where it says that the persons meant by the domestic—that fall under "domestic servant"—the term "domestic servant"—are cooks, house servants, including bedroom and kitchen servants, waiters, butlers, children's nurses, valets,

bar attendants, footmen, chauffeurs, gardeners, washermen and washerwomen and groomers.

I should also like this measure to be non-racial in its application. The compilation, as I said, must be twofold, and there must be a penalty clause which can be enforced against either the employer who engages a domestic servant who is not in possession of a registration book, or an employee who seeks work as a domestic servant without such a book, so that failure to comply with the law on either the part of the employer or the employee must be punishable under the law. Only thus can householders in this Colony—both in the urban and the rural areas—be protected from spivs, crooks, thieves and thugs, as well as persons with a non-criminal record, entering their homes in possession of forged or stolen documents. In this way, too, householders will be protected from the Nyanza tribes who, I regret to say, have been cashing in on the Emergency, and holding the householder in Nairobi—and other affected areas—to ransom; for no longer, if the householder plays his part, will the too often completely untrained Luo, Muragoli, Bunyari and Kisii be able to pretend to qualifications they do not possess, and demand extortionate wages for unskilled work; but from past experience I say advisedly, if the householder plays his part.

The registration book, too, must contain—in my opinion—a photograph, two thumb-prints, personal documentation and a complete record of work. This book must be a necessary and much-prized document and, before it is issued, the authorities must make sure that the applicant is a fit person to possess such a book, being of good character, and with no known criminal record. If a young man or juvenile is going out for the first time to work, I suggest, Mr. Speaker, that a testimony from the chief should be required. Of course, forged testimonials will still be carried, but they will be easy to prove or disprove when a registration book must be carried containing a photograph, from which ownership can be established without any doubt. Mr. Speaker, Sir, I repeat, without any doubt, but it must be incumbent on the labour officers to see that the photograph is one which will

[Mrs. Shaw]

establish identity, and not one such as this, which only shows you that the man is an African, that he possesses a mouth, which is open; and it appears as a white gash in a blacked-out face. This registration book, which I have been lent for this afternoon, I shall be delighted to show to any hon. Member afterwards, as I think it proves effectively what I said—that some of the documents in circulation are not worth the paper they are printed on.

At the present time the documentation now in force provides little check on employees, and no safeguard for employers, who are at the mercy—especially in the larger towns—of every type of person, ranging from those who are well trained, but have a criminal record, to those completely untrained, whose only crime is that they are pretending to qualifications they certainly do not possess.

I am asking that this registration for domestic servants should be non-racial in its application, so that the legislation should cover all persons applying for work of that kind, thereby affording the greatest possible protection to householders of all races. That the public feel that such legislation is not only essential, but long overdue, has been shown by articles and correspondence in the Press, and the flood of letters which I have received from all over the Colony since I tabled my Motion. So the householders of Kenya are solidly behind this Motion, which I know will have the support of all good domestic servants, who will welcome it as a measure which will safeguard the loyal and faithful servant of good character, long service, experience and ability from the untried, untrained, inexperienced, who are flooding into our towns, exploiting the present situation, and thereby bringing the whole reputation of domestic service into disrepute.

We could wish that some of them were as honest as the old negro who applied in a Missouri town to a registration officer for work. When asked his name, he replied "George Washington", whereupon the registrar said: "Well, George, you must be the man who cut down the cherry tree"; and the honest reply came:

"No, Sir, I ain't dat man—I ain't done no work for many a long day."

Mr. Speaker, before I sit down I would like to stress three things in connexion with this Motion:—

- (1) The importance of the measure.
- (2) The urgency of the matter.
- (3) The Colony-wide support for this Motion, which I hope to find reflected in this Council to-day.

I would ask the Government to do two things—to look at the events of the past three years—many of them tragic—to profit by their experience and to use their good judgment, for it is a recognized truth that good judgment comes from experience, although experience is too often expensively bought through the poor judgment of the past.

Mr. Speaker, I beg to move. (Prolonged applause.)

THE SPEAKER: It is now time for the usual suspension of business. I adjourn Council for fifteen minutes.

Council suspended business at twenty minutes past Four o'clock and resumed at thirty-five minutes past Four o'clock.

SIR CHARLES MARSHAM: Mr. Speaker, I beg to second the Motion moved by my friend, the hon. and gracious lady from Nyanza. Like her, Sir, I propose to quote, with your permission, a further extract from the leader in the East African Standard—a very brief one, in fact—which says:—

"The fact of the matter is that many of the identification documents in circulation to-day are not worth the paper they are written upon, and the whole elaborate system of identification papers for Africans is approaching such a condition of chaos as to be a public danger."

I think, Sir, that nobody from either side of this Council will disagree with the statement that a revision is needed immediately of the documentation system for Africans, but we realized—the proposer of this Motion and myself—that we will have to limit our remarks to-day to domestic servants, owing to the fact that if we covered a wider field, there might well be practical difficulties which would defeat the purpose of this Motion; but, Sir, it is perhaps apt to

[Sir Charles Markham] point out that, at the recent K.N.F.U. Conference, two African Chiefs who were present both supported the idea of a document which carried a photograph, and which was a positive means of identification.

At the moment, Mr. Speaker, an employer and an employee have a liability in so far as what we call the "Buff Card" is concerned—the employer to complete the Buff Card, and send it to the local registration office, and the employee to carry a Buff Card. That Buff Card is, of course, easily forgeable, and is, of course, often out of date, owing to the habit at the moment of many domestic servants not wishing to leave employment, but wishing to go on leave—and the word "leave" means they leave for good. In other words, often at the end of a month, or near the end of a month, a houseboy will decide that he proposes to start going round the district to see if he can get better employment at a higher wage. In case he is picked up by the police, he likes to carry a current Buff Card, which is not signed often, and therefore, without any warning at all, he packs his bags and goes. That picture largely applies to those members of certain tribes who have been proved by their behaviour to be quite unsuitable as domestic servants.

Now, Sir, certain events took place up-country which are at the moment *sub judice*—but other cases have occurred where a loss of documents has been given as a reason for failure of identification. At the moment it seems the easiest way—like, for instance, if you have your driving licence endorsed, to lose it and then apply for a duplicate. It takes an awful long time before the police catch up with the new driving licence and find that it should—that officially there should be an endorsement to it; so, if anybody's documents are slightly doubtful, the easiest way is, of course, to lose them, and the next stage is, of course, to go to the local police station and give a plaintive story of how some bad person has stolen your identity card, and Buff Card, and then respectability is gained by the police issuing at the moment—legally or illegally—I do not know, a form which says to respective employers that "X" or "Y"

has lost his documents, and has applied for a new lot, and has been to the police and told them so.

Now, the purpose of this Motion, Mr. Speaker, was to give protection to both employers and employees. Now, I would particularly like to stress that the purpose of this Motion is protection for both. The genuine house servant needs protection because he is—what we might call in the Army—losing his name by certain others who are abusing the system, and, at the moment, there is no protection whatsoever for that good and faithful servant who has no proper means of showing his past testimonials. The Red Book, in the old days—as mentioned by the gracious lady—that was treated by many servants as something very special—something which many of them were extremely proud to possess. In fact, I remember a very old servant who is now in retirement in Mombasa who had, after 34 years' service, only two names in his Red Book, and I am delighted to say that both those names were connected with my family.

Then the great Government, Sir, decided to abolish that system. They decided that it was *infra dig* for an African to carry such a thing as a Red Book—and perhaps our Minister for Labour might be able to reintroduce a system which will give back the dignity to employment so far as the honest and loyal servant is concerned. A previous Member for Labour—we did not have the ministerial system in those days said in a speech in 1948 in Nairobi that the days of elaborate documentation for African servants had gone for ever, and shortly after that that same gentleman went for ever to the West Coast!

Now, Sir, I believe that those days must come back, and I hope the Minister will be able to reintroduce the scheme as soon as possible.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: He is not coming back from the West Coast!

SIR CHARLES MARKHAM: I think, Sir, there are objections which can well be countered immediately—such as photographs which can be faked—such as documents which can be lost. A photograph is, of course, fakeable—a book is

[Sir Charles Markham] lost, and a great value is placed on it. We heard of so many of those prior to Operation "Anvil", on the green card system, but something, Sir, is better than nothing, and, of course, there is always the clever chap who will forge anything, but what we want to find is a positive means of identification of domestic servants—a positive means whereby a prospective employer can look through the record and, if he sees that that person has had 30 or 40 jobs in the last three months, then, naturally, it will be very doubtful whether that employee would get employment.

At the moment there is no such system, and you rely on perhaps a rather dirty bundle of testimonials, some of which are all written by the same hand, although they are from different employers. That, I think, is quite a lucrative trade at the moment—of writing those testimonials for a fee of two shillings and sixpence. I believe there are positive means of getting this documentation without any danger of a Police State, which might well be used against us as criticism. I do not see why, in these days, all engagements and discharges of employees should not be done through the Labour Office, like the system at the moment done with the K.E.M.s by passport control. I think that they would at least give a positive means—that the labour officer could then keep a check. It would be a bit of trouble, I believe, Sir, to the employer, but I think a little trouble is better than a tragedy.

There is also—and I was very glad my hon. and gracious friend mentioned it—the question of penalties for those who break the law deliberately. I hope, Sir, that if Government accept this Motion, they will, at the same time, think of a system whereby those people who are determined not to obey regulations—both in the employer or employee groups—can be prosecuted, because—as she so wisely said—without co-operation by employers, any measures are bound to fail.

Sir, I beg to second.

Question proposed.

LT.-COL. GHERSIE: Mr. Speaker, Sir, in supporting this Motion, I do so in the belief—as has been pointed out by

the hon. Member for Ukamba—that the object behind the Motion is really to protect both the employer and the employee. Sir, now with the abolition of the Red Book and the *Kipande*—with the abolition of that, Sir, has also disappeared his record of service, which has placed the honest, reliable African, when seeking employment, in no better a position than the habitual criminal.

Now, Sir, in the past the average African was very proud of his record of service. It stood him in good stead when seeking employment, and, of course—though to-day perhaps things are a little different, due to the Emergency—I suppose the average African, when seeking employment, is regarded with a certain degree of suspicion—more or less—although he may be in possession of written testimonials or references. We know in many cases these have been forged.

Now, Sir, I believe we have got to—more than ever to-day—protect the employer, and, I would say—in some instances—protect the employer against himself. In that connexion, Sir, I refer to the category of employer who is either apathetic or who will employ any African who comes along, either from sheer desperation or necessity. There must be some system, Sir, whereby an African who is seeking employment as a domestic servant—his record has been examined either by the Criminal Investigation Department or the Special Branch—and he is in possession of a document—or he has documentary evidence—to this effect.

Now, Sir, I am not suggesting for a moment that a criminal should be compelled to advertise the fact that he has been convicted of some criminal offence, but what I do suggest, Sir, is that an African seeking domestic employment must be in possession of some documentary evidence which is to the effect that he has satisfied the Criminal Investigation Department that he has no criminal record.

Now, Sir, it may be argued, of course, that the issue of the present passport should be sufficient identification. But, Sir, when we realize that tens and tens of thousands of passports have been issued—and no Criminal Investigation Department check was made on those

[Lt. Col. Gheris] passports when they were issued, unless the check was in just a few exceptional circumstances, I think it must be agreed. Sir, that the issue of a passport does not solve the problem. We are aware, Sir, of many cases where a passport has been issued here in Nairobi; subsequently, the individual has been repatriated, or gone to the reserve, he no sooner arrives there when he either throws it away or disposes of that passport in some manner, obtains a new one in the reserve plus a movement pass and is back in Nairobi within three days.

There are other cases, Sir, which are well known, where an individual has been in possession of as many as three or more passports. It is also argued, Sir, that the photograph should be sufficient proof of identification. Well, Sir, the hon. and gracious lady representing Nyanza, produced an identification card a moment ago which, I gather, was not visible to hon. Members opposite, but I have seen it and I can assure you there are many such photographs which render the recognition of the individual quite impossible.

I do think, Sir, that the cost to the Criminal Investigation Department of an investigation or examination of individuals' records of this nature would be far less than that expended on such matters as surrender propaganda or psychological warfare. I am certain, Sir, the expenditure would be more than justified because, in any case, in the absence of that examination of individual records, any document in the possession of a person is rendered completely useless from the point of view of security. I am convinced, Sir, in conclusion, I am convinced—that the average African who is genuinely seeking a career as a domestic servant, would welcome some document that he had to retain in his possession, which is not only a history of service, but is also proof—proof positive—that he has no criminal record.

Sir, I beg to support.

MR. GIKONYO: Mr. Speaker, Sir, I rise to oppose the Motion before Council, and my main reason in doing so is that I consider that the present system of registration is adequate and sufficient. Under the Domestic Employment

Registration Ordinance, every person seeking for domestic service must apply to the Registrar for registration as a domestic servant and he must supply full details. He must give his name, give the registration number, sex, permanent address, district, tribe, chief, location and headman and, in addition to that, he is required to produce two copies of his photograph, and I do feel that these particulars are sufficient for the purposes of enabling the authorities to arrest the culprit once he commits a crime and runs away.

The Red Book system, which was replaced by the present system of registration, was very much opposed by the African domestic servant. The present system, I think, enjoys the general support both of the employers and the employees. I know some people will say that that is not correct, but it does not seem to bring about conflict between the employers and the employees as the Red Book used to do. Therefore one can only assume that it was a compromise. I do not say both parties like it, but I think it was a compromise and I feel that it is wrong to attempt to change a system which has the general support from both sides.

The Seconder of this Motion says that this documentation—I think he is referring to the Red Book—is to protect the employers and the employees. I think there are many ways of protecting both sides; and one of them is by testimonials. Every good employer should not employ a servant unless he is satisfied with his testimonials from previous employers, and every good employee should not leave employment without obtaining a good testimonial for his service, because he knows that on that testimonial he can get another job. Any person without testimonials naturally raises a doubt, and a good employer should not employ him. Therefore the question of the Red Book, or something else, I do not think protects both ways. It protects one side.

Well, my gracious lady the Mover said that before 1948 this country had a system different from now on registration of Africans. She referred to the *kipande* and Red Book. She will remember the bitterness and the troubles that used to be in this country on

[Mr. Gikonyo] account of the *kipande* and the mere mention of the word "*kipande*" to an African used to make him wild. I think that it was a document that could only be given to a slave and since it was abolished, I do not think it is wise—particularly during this time of Emergency—to suggest a system which has been opposed by Africans for such a long time. I think it is most unwise that this Motion should have been brought at this time. She says it was through the Kikuyu that the *kipande* and Red Book were so strongly opposed. I do not agree with her, because, as far as I remember, an inquiry was held throughout the country and the Committee of Inquiry came to the conclusion that the *kipande* and the Red Book did not enjoy the support of the Africans and, therefore, I do not think it is fair to say that it was the Kikuyu alone who were opposed to the *kipande*. It was every African in Kenya who did not like the *kipande* and still they do not like the *kipande*.

She then says that her Motion has the support of the Colony wide. Well, if she means the European employers—or employers in general—I think I agree with her, but certainly it does not have the support of the Africans. My information is that the Domestic and Hotel Workers' Union, whose members would be affected by this, are against it; so is the Kenya Federation of Labour.

Sir CHARLES MARKHAM: Why?

MR. GIKONYO: For a very good reason; because they do not like it. They think the present system is sufficient. All that I should like to say is that of all these suggestions which have been made now, the only thing I would support is the suggestion of a photograph being made compulsory. That I would support because anybody, whether he can read or not, can look at the photograph and look at the man and know for certain that that is the person who possesses that document, and, therefore, there can be no question of doubt.

Mr. Speaker, I do not want to be long on this, but I will say this and I hope I will not go to the West Coast for ever, but I will repeat the words of that gentleman and say that the days of further documentation of Africans are

over and any attempt to reintroduce either *kipandes* or the Red Book will definitely meet with the greatest opposition from Africans in general.

I beg to oppose.

MR. ARAP MOI: Mr. Speaker, I rise to oppose this Motion now before Council. I am afraid that the hon. and gracious lady painted the whole picture too rosy and I must be very critical about the Motion. To introduce a system which is not far from the old condemned *kipande* does not please anybody—especially the Africans. I suggest that the present system of registration is very comprehensive. If all the employers ensure that the photographs are affixed to the registration certificates, in my opinion, Sir, I feel this is a very comprehensive system.

Now, Sir, a fear should not arise if employers comply with the existing regulations. In 1948, the Government felt that this *kipande* system should be abolished and I do not feel that this Council should accede to this Motion which is now before it. With your permission, Sir, I wish to quote what is in the Registration Laws of Kenya: "The man quoted in this document should be checked against the identity card or the registration certificate of the holder of this document." If the employers check from time to time, then there should not be any trouble at all.

On these points, Sir, I beg to oppose the Motion.

MR. CHANAN SINGH: Mr. Speaker, Sir, the Motion before the Council seems to have two objects. One to establish a better system of identification and the other to have a compulsory record of service. So far as identifications is concerned, Sir, I feel that the present system is as perfect as it can be. If need be, a photograph can be compulsorily affixed to the identity card; that would be all right, but an identity card bearing a photograph can be as easily forged as an identity card bearing a thumbprint. In any case, Sir, it is not the vast majority of the employees who indulge in falsification of documents. It is a very small number of criminally minded servants.

The only question is whether the adoption of this Resolution will achieve

[Mr. Chanan Singh] the object of detecting the criminal intentions of a small number of house servants. My own view is, Sir, that it will not help in that very desirable object.

We see, Sir, that in the neighbouring territories they do without any system of registration. We have a system of compulsory registration of all races. I think we have gone pretty far in this direction and the identification of genuine employees is now possible. So far as the record of employment is concerned, I think we should do that by persuasion rather than by compulsion. This is a matter in which, as I have suggested before, we should try to obtain the co-operation of trade unions. It is in the interests of the employees themselves that they must carry some record of service, and it is quite possible that the trade unions will be willing to help. In due course, of course, no compulsion will be necessary—that is when the employees are trained, when they know their own interests and they know that they stand to benefit by carrying a record of their past service—but if compulsion is introduced now, that, I am sure, will be misunderstood. It will be taken as the reintroduction of the old *kipande*. It is being introduced for one class of employees now and it may be extended to other classes. It is that misunderstanding that we should try to avoid.

I am also doubtful, Sir, whether any better system of identification—any more elaborate system—will help in ensuring the safety of householders or even help in security matters.

It is for these reasons, Sir, that I am opposed to the Resolution.

MR. SLADE: Mr. Speaker, Sir, I beg to support this Motion though I regret that it is limited by its terms to domestic servants only. The hon. and gracious Member explained that limitation by saying that she has surrendered a part in order to hold the greater part. She justified that by an apt quotation from Plutarch. I do concede, Sir, that this particular class of employment probably presents the most urgent need in what this Motion advocates. Nevertheless, we must not close our eyes to the fact that the problem before us is of very much wider range than merely the question of domestic servants; and I hope that in

considering this problem, Government is not going to be so restricted as the terms of the Motion might suggest.

Hon. African representatives speaking just now suggested that the present system of registration of employees, domestic servants and others, is comprehensive and adequate. Sir, I have to disagree with that. It appears to me that if you are going to have registration of employees at all, and the need for some system of registration is patent in a country of this kind, there are three main issues involved. The more you can develop satisfaction on each of those issues, the nearer you are to a perfect system.

The first issue is that of character of the employee. That involves both character, as a condition necessary to be registered or certified at all for the employment in question; and a record of service, so that every prospective employer can see how that character has been maintained and developed.

Another issue, almost as important, is the question of competence. Now there, Sir, we have never started in this country as yet. I know that a Committee is sitting on this question now—looking into the question of apprenticeships and trade tests—and is likely to report very soon. I only hope that that report will contain practical recommendations for examining the qualifications of prospective employees in a number of skilled and semi-skilled lines of employment, as a condition precedent for being registered for such employment at all.

Thirdly, Sir, as a natural essential for the system of registration having any value at all, is the issue of identification, which has already been discussed by other hon. Members.

Now, I do not know how any hon. Member can suggest that the present system of identification is fool-proof. The hon. Elected Member for the Central Area suggests that it is quite all right for the honest people; but one of the main points in a system of identification is to catch up with the dishonest people. Although it may be impossible to catch up with such people altogether, we have got to devise a system that makes it as difficult as possible for them; and we have seen only too clearly in tragedies recently, and over many years past, how

[Mr. Slade] inadequate our present system of identification is for the purpose of catching up with such people. It may be that in theory the system is not so bad, but in its application and practice, it certainly leaves very much to be desired.

Now, Sir, let us consider to what extent those three issues are satisfied by our present system. I would suggest that the issue of character is not at present met at all, either on the question of whether the man is fit to be registered for a particular service; or on the question of how he has performed in that service. That is on character. Likewise, it has not been touched on the question of competence, since the Red Book was abolished. How then can anyone suggest, as my hon. friends seemed to do, that the system is both adequate and comprehensive?

It is suggested by the hon. Member for Central Area that it is a pity to have compulsion in such things. You must try to achieve what he agrees is desirable, in the way of a record of service, by education and encouragement of voluntary acceptance.

Well, Mr. Speaker, I think we have seen what little hope there is of that; for the reason that those who would like it, and there are many among African employees who would like a record of service, are intimidated by others who, for reasons of their own, think it desirable to cry out against such a system. Now, I do agree, Mr. Speaker, with the hon. Member most surely that in matters of this kind you want to get the co-operation of both employer and employee. You want to get the support of both sides for whatever you propose to do. But, in doing that, it is important not to pay too much attention to what you are told by a few, as being the feeling of the many.

I am astonished how often I hear in this Council that every African in the country hates this and every African in the country likes that; when all the Africans I meet outside this Council are quite clearly of a different point of view. I am quite sure that that is so in this case, both as regards the Red Book and the *kipande*. I do not believe that the average domestic servant now, or in the past, has resented the Red Book. I do not believe that African employees up and down the country,

who are not driven by agitation or intimidation, have anything against the *kipande*. I ask Government to examine the matter with their eyes open in that way. They have to look to the feelings of the real African—the African who is free from agitation and intimidation—before making up their minds as to what would appeal to him; and what would rouse his ire and suspicion.

It is a matter, all the way through, Sir, of the mutual interests of employer and employee. I think interest in such matters is complementary. It matters to the employer and employee equally that only respectable, decent men are registered for a particular kind of employment—particularly employment involving responsibility and trust. It is of interest equally to employer and employee that only competent men are registered for particular kinds of employment. It is a matter of interest to both alike that the system which protects the employer and employee cannot be defeated by inadequate identification.

The last point I would make, Sir, is that, as regards any system that may be adopted now, I hope that it will be considered with such care before its adoption that it can remain for some time to come. We have had so many changes to and fro in different systems, both during the Emergency and before, that we must now find some system that has a hope of continuity for years ahead. It is hard enough on the employer when the rules are changed every day; but it is twice as hard on the employee; it bewilders him and he loses all faith in the good sense of the Government when he sees so many changes. It arouses his suspicions; when they need not have been aroused; if only he had seen something remaining in force without continual interference. I am sure that changes are necessary now, Sir, just as Government has been recognizing the necessity for changes during the Emergency, but let it be one, good, sensible wholesale change taking into account all the considerations that have to be taken into account and not piecemeal.

I beg to support.

MR. GIKONDO: Mr. Speaker, I did not like to interrupt the hon. Member for Aberdare; but on a point of information he did say that he does not believe there is a single African outside this Council

[Mr. Gikonyo] who is opposed to this system. Now I wish to—

THE SPEAKER: I am afraid that is adducing further arguments. If you wish to explain further what you have already said, then by all means you may.

MR. GIKONYO: Mr. Speaker, I was coming on to say that I can quote from a letter here from the—

THE SPEAKER: I am afraid, Mr. Gikonyo, that is adducing further argument.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: Mr. Speaker, Sir, this Motion concerns a matter of absolutely paramount importance, namely the well-being of the home and the relations between the family and the servants in the home. Of necessity, therefore, it merits very sympathetic consideration. The domestic servant problem is one that has come very much to the fore during the Emergency and it has done so in two ways. Firstly, a large number of men with little or no experience of it have entered domestic service with, it would seem, no other motive than to cash in on a situation in which domestic servants are in short supply. Secondly, there have been no less than eight cases of *Mau Mau*-instigated European murders, involving twelve victims, in which domestic servants were implicated, either as principals or as accomplices. In addition, numbers of *Mau Mau* adherents have carried on subversive activities under the appearance of respectability afforded by their occupation.

The problem, therefore, is a two-fold one. It is a general labour one concerned with the relationships between the employer and the employee. It is also a security one concerned with the protection, as far as is possible, of the householder and his family. I say "as far as is possible" because no system of documentation, however good it may be, can provide a hundred per cent guarantee against untoward incidents occurring. The possession of a document cannot in itself eliminate the possibility of a man going bad. It is impossible to anticipate a man's mental processes. In this connexion, I would mention that there is a current belief that there is a considerable amount of trafficking in identity cards. I have been informed, however, on good

authority, that there is no proof of a definite traffic. Although there have been cases of persons in illegal possession, they do not constitute a traffic. Indeed, the Emergency has shown that, generally, the African has a considerable amount of respect for the identity card. Although thousands and thousands have been checked in sweeps, very few persons indeed have been found to be in wrongful possession of another person's identity card.

Now, Sir, I will not inflict a whole lot of statistics on the Council, but I would like to give you. Members one or two figures in order to illustrate both the extent of domestic service in the Colony and the effect which the Emergency has had on it. At the 30th November, 1954, there was a total of 29,859 Africans reported as employed as domestic servants in private households alone. That is 25,643 adult males, 1,901 adult females, 2,315 juveniles. Of these 29,859, 9,907 were employed in the rural areas, 19,955 were employed in the urban areas. It is only possible to give a tribal breakdown of the adult males employed as domestic servants in private households in the urban areas, and the effect of the Emergency is illustrated by the following percentages in respect of such domestic servants. In 1953, Kikuyu, Embu and Meru accounted for 38.4 per cent and in 1954 30.6 per cent. In 1953, Nyanza tribes accounted for 32.9 per cent and in 1954 for 40 per cent. In 1953, Kamba tribes accounted for 15.7 per cent and in 1954 for 16.4 per cent. In other words, and in round figures, in 1954, the percentage of Kikuyu, Embu and Meru decreased by 8 per cent, the percentage of Nyanza tribes increased by 7 per cent, and the percentage of Kamba tribes increased by 1 per cent. As a general observation, before leaving statistics, it is interesting that between 1953 and 1954 the average number of domestics employed by individual households dropped by one. Although the reason for this drop may be assumed to be, in part, a shortage of domestic servants and the fact that people may not be able to afford to keep as many servants as they used to because of the increased cost of living, I think it is well on the cards that part of the reason is that householders have got tired of the very low standard of performance and honesty of many of the

[The Minister for Education, Labour and Lands] so-called domestic servants now going round and that they prefer to do the housework themselves.

Now, Sir, we all know that there are good domestic servants in the Colony, between whom and their employers there is that mutual regard and confidence which should exist in the home. But unfortunately there are a large number of self-styled domestic servants who are quite irresponsible and unfit for such work and who are bringing, as hon. Members have said, the occupation of domestic service into disrepute.

Now domestic service is an honourable way of making a living, and it involves the holding of a position of very considerable trust. Indeed, domestic servants occupy a very special position which is rather different from other classes of employees. They come into a man's home, are in close contact with his family and his possessions and, in many cases, they are alone with the family while the householder is out at work. They are, therefore, in a much more personal relationship to their employer than, say, a factory-hand or an agricultural labourer. For these reasons it is most important that they should be trustworthy and dependable. Now here, Sir, I would just add that, in the interests of good relationships, it is also most important that employers should adopt a correct attitude to their servants and accord them reasonable treatment: just as there are good and bad servants, so there are good and bad employers, and the blame is not always on the side of the servants. This is particularly so when language difficulties lead to misunderstandings, and in cases where the employers are new to this country and are unacquainted with its background and with African psychology.

It will be clear, Sir, from what I have already said that Government is fully aware that the present domestic servant position is not satisfactory and that it does call for a close and thorough examination. As I have just mentioned, domestic service, which is a respectable occupation, and which plays a considerable part in the life of the Colony, is being brought into disrepute as the result of a substantial number of persons entering it who have no previous experience

of it, who flit from job to job in rapid succession—sometimes with faulty documents—who demand an excessive wage owing to the short supply of domestic servants, and who give a performance which is far below that which should be given in return for that wage.

Now, apart from the employer's point of view, this is manifestly unfair to the good domestic servants who know their work and have a sense of responsibility and fair play. Furthermore it leads to an exacerbation of relations between members of different races which is deplorable.

After devoting to this problem the very close attention which it demands, the Government has come to the conclusion that the most satisfactory way of dealing with it would be to set up a select committee of the Council, representative of all races, to examine the whole field of domestic service and to recommend what steps should be taken to remedy the present unsatisfactory position. The committee would, of course, pay particular attention to the question of the documentation of domestic servants. This procedure will enable the views of all races on this important matter to be taken into account, and it will provide an opportunity for evidence to be called for, and submitted by, bodies who have a special interest in it. I assure the hon. Member that I will do my level best to see that the work of the select committee proceeds apace.

Now, Sir, various speakers have raised various matters of detail. I do not think it is necessary for me to prolong this debate by going into them now. Indeed, to do so, Sir, would be to anticipate the work of the select committee. There has been mention of the old *kipande*. Well, Sir, this Motion is not—I repeat not—designed to revive it. I do not propose to go into all that old explosive controversy which should, I think, be allowed to rest in the limbo of what Wordsworth described in his poem "The Solitary Reaper" as "old unhappy far-off things and battles long ago".

There has also been mention of the old Red Book. Well, there were undesirable features about it. Now, Sir, pending the outcome of the deliberations of the select committee, I would like to sug-

[The Minister for Education, Labour and Lands]

gest several ways in which employers can assist the authorities, themselves and the good domestic servants. Firstly, by complying meticulously with the statutory obligation of sending to the Labour Commissioner a Buff Card within 48 hours of engaging or discharging a servant earning up to 300 shillings a month. Now, Sir, this afternoon the Buff Card has come in for a certain amount of buffeting, but it has got its very definite advantages. It is from these Buff Cards that the Labour Department maintain a Life Card in respect of each individual earning up to 300 shillings a month. If, therefore, Buff Cards are properly filled in and promptly despatched, the Life Card held by the Labour Department contains a complete and up-to-date record of an individual's working life.

Secondly, by refraining from engaging anyone who cannot produce a reasonably satisfactory record of his past employment.

Thirdly, by referring to previous employers for information about the applicant for a job.

Fourthly, by refraining from engaging a servant who has not got a certificate of registration issued under the Domestic Employment (Registration) Ordinance. Now this certificate is a voluntary one, it is not obligatory as the hon. Mr. Gikonyo appears to think, and it contains no record of employment. However, its possession means that when it was issued the holder was considered by the authorities a fit person to be a domestic servant and that no grounds have come to the notice of the issuing authority for cancelling it. I realize that the second, third and fourth points are not always easy to comply with particularly when an employer is in a hurry to engage a servant, but they are certainly worth complying with.

To end, Sir, in view of Government's recognition of the present unsatisfactory state of affairs, and in view of its conclusion that a select committee should be appointed to consider it and consider its remedy, I beg to move that the Motion be amended by the deletion of all words after the word "that" and the substitution therefor of the words, "in view of the present unsatisfactory situa-

tion a select committee be appointed to examine the whole field of domestic service and to recommend in what respect existing legislation should be amended, and fresh legislation introduced, in order to afford a sound basis for mutual confidence between employers and employees. The select committee to consist of the following persons:—The Minister for Education, Labour and Lands (Chairman), the European Minister without Portfolio, the Asian Minister without Portfolio, the Labour Commissioner, Chief Jonathan Nzioka, Mr. Shaw, Mr. Slade, Lt.-Col. Ghersie, Dr. Hassan and Mr. Mathu".

THE MINISTER FOR LEGAL AFFAIRS seconded.

Question of the amendment proposed.

THE SPEAKER: The amendment is now open to debate.

MRS. SHAW: Mr. Speaker, on a point of order, would I be in order in replying to the original debate when speaking to the amendment?

THE SPEAKER: If the amendment is passed, in due course you retain the right to reply.

No other hon. Member wishing to speak, I will put the amendment.

The amendment was put and carried.

THE SPEAKER: I will call on the hon. Mover to reply.

MRS. SHAW: First of all, I would like to congratulate my Seconder on his very able speech. I would like to underline one point he made—a good servant prizes the Red Book. I believe Red Books are changing hands in the African locations of Nairobi at 65 shillings each. I contend that it is the lack of photographs that makes it possible for Buff Books to be bought and sold. I would like to answer the hon. African Representative Member by pointing out that the Motion is non-racial and I would like to ask him to remember that events, as I said, many of them tragic, have taken place in this Colony which might have changed even the opinion of the hon. Minister now so happily in the West Coast.

I would also like to remind the hon. Asian Representative Member for Central Area of the same thing, that the Motion is non-racial in its application.

[Mr. Shaw] I have asked especially that it is non-racial in its application. I must say I was very surprised to see him oppose the Motion as I know well that many of his community have suffered through being murdered in this Emergency. I was surprised to see him opposing a Motion which means security for the household. I cannot expect that a system of registration which has no thumbprint and no photograph can, indeed, be of very much use in documentation, an effective documentation.

There was the case that came up two or three days ago in Nairobi where my landlady who works from 8 in the morning until 8 at night at a job—a restaurant job—employed a Maragoli who worked for a fortnight and then departed with 500 shillings and a quantity of goods. He was caught and was found to have a well-known criminal record—that is just one case of many.

I did not expect the hon. Member for Aberdare to agree to a limitation. He is a Member who very rarely agrees to limitations, but I should like to thank him for his very excellent report—a speech, if I may say so, of a quality that I could not achieve.

Now to reply to the hon. Acting Minister for Labour. He stressed the well-being of the home and the relationship between employer and employed and he stressed that it was a very personal relationship and I think, therefore, I may be forgiven if it brings forth a personal story and that is that I should like to say that if it had not been for the loyal and faithful service of my head houseboy, who has been with us for 26 years, I would not have been able to do my job in these last difficult four years in Legislative Council.

I am glad to accept the amendment as regards the Select Committee for two reasons. One was put by the hon. Member for Aberdare, who said that the legislation was so important that he hoped that when it was produced it would be both sound and lasting. I do feel that in order to achieve that sound and lasting legislation, which is so essential for public safety, a select committee is desirable.

I would only point out that the hon. Member, I believe, is chairman of one

such select committee and it did have the misfortune to sit for seven years, and finally it sat for a further two, and then when the legislation was actually prepared, I believe it was in the Legal Draftsman's hands for about 15 months. I hope that state will not befall this Motion, and I would like the hon. Member's assurance that he will remember that time is of the essence.

Mr. Speaker I beg to support.

The question was put and carried.

MOTION

AFRICAN PRESIDENT OF NORTH NYANZA DISTRICT COUNCIL.

THE SPEAKER: I understand that owing to indisposition Mr. Mathu has asked whether this Motion could be postponed. As it is on the Order Paper and therefore in possession of the Council, I will have to put the question that this Motion be removed from the Order Paper and taken at a future date.

The question was put and carried.

MOTION

CIVIL SERVANTS' OVERSEAS LEAVE

MR. USHER: Mr. Speaker, Sir, I beg to move:—

BE IT RESOLVED THAT this Council requests the Government to examine the existing leave and passage regulations for civil servants and to report upon the possibility of extending the grant of shorter and more frequent overseas leave with a view to securing greater continuity and effecting short- and long-term economy of staff, regard being had to cognate matters raised in the debate on Sessional Paper No. 17 of 1954 (on the 14th and 15th of December, 1954) and in the present debate.

Now, Sir, in view of the fact that the issues were fairly fully brought out in the debate upon the Libbury Report, it is not necessary for me to detain Council for long. On that occasion, the Minister for Finance did say that the views expressed on this side of Council would be pressed on the matter was reconsidered noted when the matter was reconsidered from time to time. Well now that, of course, is a little vague and some of us, at least, if not all of us, think that the time has come to examine some of those

[Mr. Usher] proposals quite seriously. Nearly a year has passed and we feel that a special examination is not only desirable, but is really called for.

There are numerous matters dealt with in that debate, Sir, and I thought I might perhaps recapitulate them briefly. One is that the differential between healthy and unhealthy stations might well be done away with. I would perhaps give some reasons for that. I think the unhealthy station, Sir, has long been recognized as such and that amenities have been provided, and perhaps hours of office work and so on have been adapted to the particular conditions of those stations.

Then of course, Sir, individuals differ so much. What constitutes a special strain on A does not necessarily constitute a special strain on B. I often wonder whether those hon. Members on the Government benches who enjoy, shall we say, the flesh-pots of Nairobi and the cushioned condition of metropolitan life, whether they would in fact, if they had a free choice, choose the life that they now live. I just wonder. I think many of them would prefer to go elsewhere if it were not for one or two things. There is of course that sense of duty and responsibility which we respect in them. There is also, Sir, natural ambition and that natural ambition is also a thing which I can find myself at least able to respect. "Fame is the spur that the clear spirit doth raise, (That last infirmity of noble minds.) To scorn delights and live laborious days."

Well, Sir, there is another type of person—we will call him C—whom the Northern Frontier, the Coast Province or Nyanza, if he has to stay there for 18 months, will leave him quite unscathed, whereas he will be reduced to a miserable wreck after a year in Nairobi. In fact you never can tell. Apart from these distinguished people, to whom of course I am now referring, I would think of the larger number of civil servants—the humbler ones—who have an enemy which attacks them very persistently throughout their tour—that is monotony. There is nothing that gets a man's morale down like monotony and those are people that we have to consider.

Now, Sir, I would have thought that the strain of normal tour, wherever it may have been served, whether in the Northern Frontier or in Nairobi under whatever conditions, would produce no ill effects that could be put right by a few weeks' change and that is another reason why I disagree with the differential.

Now, Sir, if, of course, it is possible for us to have shorter tours, there is no meaning left whatever in the differential and it is that for which I am asking now for consideration. Let us look at the advantages of such a situation—a short tour and a short leave.

First of all, I think we might note that with short leave officers would not get out of touch with their work, as indeed they do if they are away six months or more. Secondly, and this is a point I made before, I think, they do not suffer the exhaustion of their finances. Thirdly, there is, or should be, a saving in the reserve staff which we now carry. Now I am quite prepared to accept the argument that there must be a time-lag over that. I am sure there will be. On the other hand, against the time-lag there is something to be set off, and that is this: it will be found possible, if such a system as I am advocating can be introduced, to leave still vacant many of those vacancies which inevitably and always exist in the establishment. Another advantage, Sir, of course, would be the saving of housing, and Members on this side of Council—and particularly myself, I think—have had occasion to criticize the unfortunately large part which staff housing has taken in the Development Plan—the so-called development plan.

The long-term saving, Sir, is obvious. It is that we reduce our pension list and thereby earn the blessing of posterity.

The disadvantage, of course, of the whole matter is clearly that the cost of passages will inevitably be increased. Well that, of course, Sir, will be to some extent offset by the run-down in the staff itself, but it should be also set off in another matter which I want to come to, and that is the possibility of commutation. If, Sir, it is possible for us to devise a scheme whereby a tour of service is, say, not less than 18 months and not more than two years, it might be possible, if an officer is found to be

[Mr. Usher] medically fit, for him to do two tours together and, if he does so, what I am suggesting is, quite frankly, that there should be some consideration of his public-spiritedness or his desire to save money—in fact, that he should be able to sell at least a part of his leave. I know very well that it would suit some officers extremely well to have a system of that kind.

There might be a further saving, though it is rather a nebulous one, but, Sir, I believe that this idea of short tours and shorter leave appeals to a very large number of civil servants. I am not aware of any meeting having been held and I am dependent for what I know upon discussions with individual civil servants to whom I have spoken and representatives of the association in Mombasa. I am speaking now also of Europeans, although I realize that we have a unified service. I think on the whole that is an idea that would be welcome. I think they all feel really they would be better off if they had it that way. If that is so it is just possible that they might make some small extra sacrifice and I will indicate the kind of thing that I have in mind. It is a simple concept that you express leave privilege as a privilege in terms of cash. It is pay without work, to begin with, and it is a passage—that is the second component. Now those matters can be reduced to a liquidated sum of money. If it is possible to have a system of short tours and short leave, I do not see why a small sacrifice should not be made by those whom it suits to accept such a system. Otherwise, Sir, I am not suggesting any kind of erosion of existing rights, and particularly I have been asked by some of my friends in the civil service to say that they would like to maintain particularly, whatever happens, their right to go home by ship. They set great store by the sea voyage, and however this formula is worked out I would agree that, in part at least, that should be preserved. Perhaps we could come to a compromise arrangement whereby you recognize that we will say "21 days or one leave passage to the United Kingdom"—the time taken to cover one passage to the United Kingdom should be the accepted passage component in the leave formula.

It is not, of course, for me to find the answers if the Government were to accept the Motion that I have proposed, and indeed I am not competent to do so. The subject is obviously a very complex one, but at least it is for me perhaps to suggest that I have in mind some kind of general consideration, such as that, if possible, tours should not exceed 18 months. If, of course, they involve leave of absence from the Colony of more than three months, I think that the purpose of my Motion would be largely defeated. You would not get the continuity and you would not get the possibility of reducing the staff to the extent, anyhow, that I have in mind. For that reason, Sir, I feel also that, if I am asked now, I should say that I think absence from the Colony should not normally exceed 90 days.

As I have said, Sir, I believe on the whole this would not be ungrateful to the civil service. It is a principle which is now almost universally accepted—perhaps I have overstated it—it is now increasingly accepted in business. I have inquired and on the whole they prefer the new system to the old. Let us then see if we cannot get rid of some of the old cobwebs, dust our the cupboard and give our regulations a new look.

Sir, I beg to propose—

MR. SLADE: Mr. Speaker, Sir, I beg to second this Motion. The hon. Member has stated very clearly two of the principal arguments in support of the Motion, and there is no need for me to repeat those arguments. There is, however, a third argument that always weighs very heavily with me; that is, in addition to the importance of continuity of staff, in addition to the importance of economy—economy to both parties—Government in saving the standby staff, the employee in saving some of his money instead of spending it all on holiday, there is the question of integration of the civil servant with the country where he serves.

We have all seen, I think, from our own experience, the extreme importance of the civil servant becoming closely enough associated with the country that he serves to have full understanding of and personal sympathy with the problems of the country, and the consequent interest in the job he is doing, beyond

[Mr. Slade] the mere routine; and last—but by no means least—the confidence that he inspires in those who know that he is integrated with the country.

The last point I have seen, Mr. Speaker, most markedly on several occasions, when people in my own constituency who accept a local administrative officer or labour officer—whoever he may be—as a man who is doing his best in his job, treat him kindly but perhaps a little distantly, until they know he has chosen to make his home there and take root in the country; thereafter, he ceases to be a mere civil servant and immediately their attitude towards him changes and they have confidence and show him confidence that they had not shown before.

Mr. Speaker, I am not suggesting that we have not been very well served in the past by our civil servants, but I do know, and they know too, that it was not until very recently that they were expected to integrate themselves with East Africa. They were supposed to treat the country where they served as a place to which they had come simply for the purpose of serving, and from which they were expected to go away again as soon as possible afterwards. The situation is changing quite fast. I know even many hon. Members opposite are already rooted in this country as deeply as Members on this side. We ought to encourage that as fast as we can, and one way of doing that is by the psychological difference between short visits to a man's domicile of origin at frequent intervals, and a long visit at longer intervals, in which he is expected to recover roots that he might otherwise have lost. It is one thing to go away from your work for two or three months to places you have known before and have a rest. In that way you are not likely to imagine that you still have many roots in those places. If you work for three or four years on what is termed a "tour", and consistently regarded as a tour, and then go back to your home and have long enough to pick up all that you left behind, you do tend to regard that as still your home, and the place where you work as only the place of work.

In that way, it is most refreshing to find already substituted for the term

"home leave", the term "overseas leave". We must go on encouraging that in every way we can. I believe the suggestion to-day in this Motion is one way of doing so. I would endorse, Mr. Speaker, wholeheartedly what the hon. Mover has said concerning present practice in private enterprise. Private enterprise does not undertake changes of this kind without weighing the economic considerations, nor without considering the interests of its employees and making sure that their employees will still be satisfied. I can say from my own experience, Sir, that in an increasing number of companies with a large staff of employees, in Nairobi, there is a deliberate changeover to short periods of leave at intervals of two years or so, instead of longer periods, with passage paid on the short period; the compensation being partly, as the hon. Mover has said, that stand-bys are thereby saved, partly that the employee in most cases has been so glad to have more frequent holidays, and the opportunity of saving money a bit more in between holidays and not spending it all on the holiday, that he has been content, as the hon. Mover suggested, to take a shorter period of leave in all—instead of six months at the end of four years, two months every two years, passage paid on both occasions. That has been, in several cases, put to the employees and deliberately preferred by them.

And, of course, we have the example, going further still, of an experiment conducted by the Nairobi City Council quite recently, where again employees were found to prefer the opportunity of saving money rather than being sent off on leave.

I would finally, Mr. Speaker, support most strongly the further suggestion—it is not exactly embodied in the terms of the Motion but flows from it—the further suggestion made by the hon. Mover that Government should consider the possibility of allowing the employee, in suitable cases, to commute his leave privileges for a cash consideration so that he may sometimes, if he wishes, save a little money instead of going away to spend it.

Mr. Speaker, I beg to support.

Question proposed.

THE CHIEF SECRETARY: Mr. Speaker, Sir, the Government accept this Motion and will gladly carry out an examination of leave and passage regulations—and if it should prove that the shorter tour system does in fact bring about a saving of money, that it increases continuity and that it generally benefits the conduct of public business, the Government will consider an extension. I say "consider" because, as the hon. Mover has pointed out, the Government has a contractual relationship with Government servants and we could not make this a compulsory change. Neither the Government nor this Council could effect a change in terms of service without the consent of the Government servant. Of course, the investigation will have to be closely associated with the Whitley Council—or rather, the Council will have to be closely associated with the investigation—and we shall have to maintain a close liaison with the other territories.

As most hon. Members know, the present limited short tour scheme was introduced about two and a half years ago for a special purpose. It was not a prelude to a change in the terms of service or conditions of service of Government servants; it was a special scheme designed for a special purpose. It was the intention of the Government that steps should be taken to increase continuity in the field in the African areas, the aim being to ensure that a District Commissioner stayed as long as possible and that when he left on leave he was away for a sufficiently short time to make it safe for him to hand over to his senior assistant, thus avoiding acting appointments and transfers. The way it was brought about was by allowing the holders of some 70 scheduled posts to opt for this new scheme, changing from the old system whereby they did a three-year tour with a five or six days' leave earning rate, to 18-24 months' tour with a lower rate of four days. A large number of the officers concerned agreed to accept the new proposals.

Of course, the essence of the scheme and the *sine qua non* of success is that the man in the station should be able to hand over to his nearest subordinate. If he cannot the thing founders, and the problem becomes not only more expensive but far more difficult. I am pleased

to say that in most cases in which this system has been applied, it has worked extremely smoothly and that it has been possible for the district commissioner or the man concerned with the direction of policy to take a short leave, handing over to his senior district officer, and to come back, one hopes, refreshed, at the end of his two and a half months.

But in spite of the advantages by way of continuity of service and evenness of direction of policy, a scheme of this sort is hideously expensive. First of all, an officer and his wife are going to require passages twice as often, or nearly twice as often, as under the old arrangements. In addition, it has been necessary, in order to make the scheme attractive, to provide all those who opt for the new system with enough passages to transport their entire family. Clearly there was no alternative to this; because no officer could afford to go home every 18 months and bear the very heavy cost of air or sea passages. That means, if a man has two or three children, the passage charges to the Government may be trebled; that is quite a heavy consideration.

If this extra cost could be offset by a corresponding saving in leave reliefs, the case for the short tour system would be immediately established, but I cannot honestly say that the evidence we have gathered so far points to such a saving. So we must, obviously, approach any extension of the scheme with a good deal of caution.

I recognize that one cannot equate efficiency and continuity and the proper direction of policy against pounds, shillings and pence, but on the other hand there is a limit to which the public purse can be tapped. The hon. Mover suggested that a tour should be for 18 months. Well, let us take a period of, say, 6 years and 6 months, which at present would mean two tours with a leave in between, and compare the proposed new arrangement. An officer would do four tours of 18 months and he would probably take 24 months' leave each tour, making a total of 6 years, 74 months—that is a comparable figure. Under the old arrangements passage costs would amount to 6 passages. Under the new arrangement, if a man had, say, 3 children over the age of 12, the cost would amount to no less than 30 passages. This is a con-

[The Chief Secretary] sideration which we cannot lightly dismiss, and had it not been for the intense pressure of the Emergency the Government would have been very hesitant about adopting this present limited scheme. As it was, the pressure of events and the demand for closer administration moved us to take this experimental step. Other departments of Government have suggested that they too should be included in the scheme, but the Government has been compelled to take the line that there can be no extension unless it can be shown that the number of officers normally held for leave reliefs will be substantially reduced. I do not mean there should be redesignations and reshuffling—a definite numerical, arithmetical reduction.

As for the success of the scheme, as I have said, in most cases it has been successful. It has improved continuity and it has been extremely popular with those officers who have opted for it; but whether or not it has brought about an economy in staff, I quite frankly cannot say. The whole position has been so confused and complicated by the Emergency, by increases in staff and by the natural hazards of promotions, transfers and deaths, that I should be wrong to tell Council that the advantages in continuity and in efficiency have more than counter-balanced the additional expenditure of money on passages. Indeed, unless the scheme were made compulsory and applied to all officers, and unless we could direct an officer—as I feel we should—to go on leave the moment his time arrives, I do not see how we can ever get a clear assessment; and the making of the scheme compulsory is a matter of great difficulty.

I had wished to make the point that the adoption of the scheme might have a possible disadvantage—might even prove dangerous—in that it would lead to an undesirable division of interests; but on grounds precisely the same as mine, the hon. Member for Aberdare has reached precisely the opposite conclusion. I would suggest that a visit to the United Kingdom every year and a half would tend to perpetuate ties there and would prevent the man from identifying himself with East African interests. I agree entirely with the hon. Member

that to lead a full and useful life here, one must cease to pine for Twickenham and Henley and devote one's life to the habits of the crested crane. No officer can settle down to his job and be an asset to his district until he has realized that point, and I feel that these short tours are very likely to cause this division of interests. It would be a lamentable result to the whole proceedings if a man came to identify leisure and recreation with the United Kingdom and to regard East Africa as a place for arduous duty, in which one was compelled to spend 18 months in order to get away from it.

My own view, if I can properly express a personal view, is that the short tour system is admirably designed for heads of departments, senior officers of the Administration and other officers who direct policy—for it clearly is not in the public interest that they should be away for a considerable time; but the appallingly heavy expenditure it is likely to create would make it most difficult to extend the scheme to more than a few posts.

As for the question of commutation of leave, it has been suggested that although six months leave is sometimes necessary and always very agreeable, it may be rather more than is required to recoup one's energy and reinvigorate one's mind. I express no opinion on the point, it is a matter which we shall be happy to allow this examining body to investigate. Similarly, it might be possible to allow a man to extend his tour for, say, four years and commute the additional leave earned into additional family passages. There again the investigating body can hear evidence and form its own views.

*Mr. Speaker, I beg to support.

ADJOURNMENT

THE SPEAKER: It now being time for suspension of business, I adjourn Council until two thirty p.m. to-morrow, Wednesday, 7th of December.

Council rose at fifteen minutes past Six o'clock.

Wednesday, 7th December, 1955

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

(Mr. Speaker in the Chair)

PRAYERS

ADMINISTRATION OF OATH

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

Colonel M. H. Cowie.

PAPER LAID

The following Paper was laid on the Table:—

The Education (Fees in Government African Schools) Rules, 1955.

(BY THE MINISTER FOR EDUCATION, LABOUR AND LANDS)

ORAL ANSWERS TO QUESTIONS

QUESTION No. 40

MR. SLADE: Sir, this was originally a question for written reply. It may be that the hon. Minister is not prepared to answer it orally. If so, I am quite prepared to leave it over.

MR. CONROY: Mr. Speaker, Sir, in the absence of the Minister for Legal Affairs, I will answer the question orally.

MR. SLADE asked Mr. Conroy to state if Government prepared to introduce legislation similar to the Crown Proceedings Act, 1947, of the United Kingdom, whereby the Crown accepts liability and can be sued for the torts of its servants?

MR. CONROY: The Government will give consideration to the introduction of legislation on the lines of the Crown Proceedings Act, 1947, as soon as priorities in the legislative programme for the present session of the Legislative Council permit.

MR. SLADE: Arising out of that reply, Mr. Speaker, would the Government please give consideration also to the possibility of making such legislation retrospective with regard to pending cases, in the event of such legislation being introduced?

MR. CONROY: Sir, Government will give consideration to it.

QUESTION No. 44

MR. AWORI asked the Chief Secretary to state why the procedure for the selection of Africans to be appointed by the Governor to represent African interests in Legislative Council set out in Government Notice No. 421 of 1952 was not followed in filling the vacancy created by the detention of Mr. F. W. Odede, whereas it was followed in filling the vacancy created by the resignation of Mr. J. M. O. Tameno.

THE CHIEF SECRETARY: Mr. Ombaga's appointment was made in April, 1953, after Mr. Odede had held office for only nine months. The appointment of a successor was at that time urgently necessary, and the Government considered that the 1952 nominations under the procedure set out in Government Notice No. 421 of 1952 were still sufficiently recent to afford a reliable basis for the appointment of a successor to Mr. Odede without calling for fresh nominations. The circumstances which required the appointment of a successor to Mr. Tameno were very different; the time which had elapsed since the 1952 appointment was so great that it was considered desirable that the formal administrative procedure set out in Government Notice No. 421 of 1952 should be followed on that occasion.

QUESTION No. 46

MR. AWORI asked the Minister for Local Government, Health and Housing to state fully was it legal to elect councillors for the Elgon Nyanza African District Council before the dissolution of the North Nyanza African District Council?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: There is nothing illegal in the procedure which has been taken to provide for the appointment of councillors for the Elgon Nyanza district. In fact, the Elgon Nyanza African District Council will continue to exist for some time subsequent to the setting up of the new councils, and an Ordinance to amend the African District Councils Ordinance, 1950, will be introduced into this sitting of Council in order to make provision for the winding up of the old council

[The Minister for Local Government, Health and Housing] and the transfer of the legal obligations and engagements of the council to its successor bodies.

QUESTION No. 47

MR. AWORI asked the Chief Secretary to state who is the African Member representing the Northern Province of Kenya?

THE CHIEF SECRETARY: There is no African Member of Legislative Council representing the Northern Province of Kenya. The Minister for African Affairs, acting on the advice of the Provincial Commissioner of the Northern Province, is responsible for the interests of the tribesmen.

MR. AWORI: Arising out of that reply, Mr. Speaker, would Government allow any African Unofficial Member on this side of the Council to visit the Northern Frontier Province and look into the affairs of the Africans there?

THE CHIEF SECRETARY: Yes, Sir. He may apply for a permit to enter the province in the normal way.

MR. COOKE: Is it not desirable that those tribes should be represented by an Unofficial Member and that he should be representative of the northern tribes?

AN HON. MEMBER: You!

MR. COOKE: Yes, even I.

THE CHIEF SECRETARY: It may be desirable, Sir, but it would be most undesirable to inflict a Member on those people against their will.

MR. COOKE: Assuming it is the will of the people, does the hon. gentleman agree that it would be desirable to have someone on this side of Council?

THE CHIEF SECRETARY: I cannot accept the assumption.

QUESTION No. 49

SIR CHARLES MARKHAM asked the Minister for Agriculture, Animal Husbandry and Water Resources to state the reasons why Katumani Farm was purchased as an experimental station for African agriculture in the Machakos Reserve, on whose valuation the price for the farm was arrived at, and why was the local Production

Committee not consulted, being a farm in the White Highlands.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: It is incorrect to imply that the benefits arising from the experimental work at Katumani farm will be of benefit to African farming only. The results of experiments at Government experimental farms, wherever sited are available to all communities.

Agonomic experimental work in crops and grasses, horticultural experiments, and plant breeding for the production of improved sorghum and short-term maize varieties suited to the drier areas, will all be carried out at the farm. It is also possible that the farm will be the headquarters of a Pasture Research Unit for the drier areas, as Stage III of the Davies Plan. The results of all this experimental work will be available to those European and African farmers who farm under similar climatic conditions.

The valuation of the land and fixtures was carried out by the Lands Department and was approved by the Commissioner of Lands, and the actual purchase price included an element for movable assets. The purchase was concluded with the full knowledge and consent of the Machakos Reconditioning Committee on which the European farming community of the district was fully represented.

SIR CHARLES MARKHAM: Mr. Speaker, Sir, arising out of that reply, could I ask the Minister, in view of his reply, why he stated he had a letter from the Agricultural Department that this farm was purchasable for African farmer research.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Speaker, if the hon. Members opposite had as much work to do as some of the officers in my department, he would forgive an occasional mistake.

QUESTION No. 20

GROUP CAPTAIN BRIGGS asked the Chief Secretary with reference to the Motion moved by me in Legislative Council on the 3rd December, 1953, in the following terms:—

BE IT RESOLVED that this Council requests His Excellency the Governor

(Group Captain Briggs) to appoint one or more Commissioners under the Commissions of Inquiry Ordinance and to commission such person or persons to inquire into the following matters:—

(a) Having scrutinized all relevant intelligence reports, despatches, reports of Legislative Council proceedings or other documents, and called such witnesses as were considered necessary to report whether such documents or evidence gave reasonable information or warning of the existence of serious subversive activities and if so what dates.

(b) If it should be shown that such warning was given—to affix responsibility (if any) for the failure of Government, or of individual members thereof, to appreciate the potential seriousness of the *Mau Mau* movement in the earlier stages and to take action accordingly.

(c) To report whether in the Commissioner's opinion the Colonial Office or any individual officer serving in the Colonial Office having been acquainted with the situation and of the steps which this Government desired to take to deal with the situation retarded actions or steps which were recommended—at the time and which have since had to be taken.

and having regard to the reply of the then Chief Secretary that the present was not the opportune time for such an inquiry, will Government please state if they consider that the opportune time has now arrived?

THE CHIEF SECRETARY: The Government is not prepared to initiate an inquiry on the lines advocated in the Motion. Nevertheless, as was indicated in the Government's reply to the Motion, the Government does consider that a full examination of the origins and growth of *Mau Mau* is required; this would include an examination of the circumstances which permitted the movement to develop so rapidly without the full knowledge of the Government and of any deficiencies which made themselves apparent in the Government machinery. This examination will be undertaken as

soon as possible after the end of the active phase of the Emergency.

MR. COOKE: Will this examination be a public inquiry or not public?

THE CHIEF SECRETARY: It will be in the nature of an official history—not an inquiry under the Inquiries Ordinance.

MR. COOKE: Does the hon. gentleman realize that the public will demand something very much greater than that?

MR. SLADE: Do I understand, Mr. Speaker, that there will be no examination of witnesses, sworn or unsworn?

THE CHIEF SECRETARY: There will be such examination as is normally undertaken by an official historian compiling an official history.

MR. COOKE: Does the hon. gentleman realize that the country will demand a full-sworn inquiry into this when the *Mau Mau* rebellion is over?

QUESTION No. 30

GROUP CAPTAIN BRIGGS asked the Chief Secretary to state: If the statement recently made in Nyanza by the Minister for Community Development was made with the knowledge of the Government and if it represents the views of Government?

THE CHIEF SECRETARY: The statement was made *ex tempore* by Mr. Ohanga in answer to a question at a meeting of his constituents.

The Government does not regard the present constitutional arrangements as a step towards the predominance of Africans or of any other community in the Government of the Colony. The Government adheres to the principle of a joint approach to the problems of the Colony both as a short-term and as a long-term policy.

MR. COOKE: Was the hon. Minister who is involved, Mr. Ohanga, was he speaking on what is known as his cabinet responsibility or was he not?

THE CHIEF SECRETARY: The statement was made *ex tempore* in answer to a question at a meeting of his constituents. I understand that at political meetings the rapier-like exchanges of wit are so rapid that it is inevitable that now and then a Member shall be caught on the wrong foot.

MR. COOKE: The hon. gentleman has not answered my question. Was he speaking with the responsibility of a Cabinet Member or was he not? That is the custom that prevails in Great Britain which is the Mother of Parliaments; as everyone knows.

THE CHIEF SECRETARY: I explained that the statement was made *ex tempore*.

MR. SLADE: Would the Minister agree that that is where collective responsibility breaks down?

BILL

FIRST READING

Criminal Procedure Code (Amendment and Validation) Bill—(The Minister for Legal Affairs)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-day.

BILLS

SECOND READING

Criminal Procedure Code (Amendment and Validation) Bill
Order for Second Reading read.

THE MINISTER FOR LEGAL AFFAIRS: Mr. Speaker, Sir, before I move the Second Reading of this Bill, I should like to express my appreciation, and the Government's appreciation, of the readiness of the Council to grant the indulgence which I sought to take this Bill through all its stages to-day notwithstanding that it had not been published for the full three weeks required by Standing Orders.

I beg to move, Sir, that the Criminal Procedure Code (Amendment and Validation) Bill be now read a Second Time.

Sir, the majority of the amendments contained in the provisions of this Bill constitute an enactment in the Code—the Criminal Procedure Code—of a number of amendments which have been attached to that Code during the Emergency by Emergency (Amendment of Laws) Regulations. Emergency amendments, as the Council knows, are temporary and they subsist only so long as the Emergency Regulations which provide for them subsist and, therefore, only so long as the powers of legislation by Emergency Regulations, which are conferred by the Order in Council of 1939, also remain with us.

These amendments which are reproduced in this Bill for permanent incorporation in the Code, are those which have stood the test of practical application and which the Government considers should, and could with advantage, be incorporated in the Code. I feel it only right to say, however, that in view of the fact that the Council has granted me the indulgence to introduce this Bill prematurely, so far as procedure under Standing Orders is concerned, if there is included in the Bill any amendment which any hon. Member feels he has not had sufficient time to study and which he regards as being of a controversial or objectionable nature, I will very readily meet his views and withdraw that particular amendment for presentation to the Council at a later date.

The clause of the Bill which it is important should be proceeded with and brought into force as soon as possible, is clause 12 relating in effect to the validation of the subsisting list of jurors and assessors. The other amendments were incorporated in the Bill because as a matter of principle I personally do not consider, and I think the Council will endorse this view, that we should take a succession of bites—of legislative bites—at the one legislative cherry. That is to say, that when we amend an Ordinance, we should include in the amending Bill, so far as possible, all amendments of that Ordinance which are then outstanding and projected.

Going briefly—very briefly—into one or two major points in the Bill, Mr. Speaker—the provision in clause 2 enhances the jurisdiction, the criminal jurisdiction, of senior resident magistrates. Senior resident magistrates are a grade in the judicial hierarchy which has been introduced as a result of Lidbury. These officers are, and will always be, professional officers of considerable standing in their profession and of long experience. The jurisdiction which it is proposed in clause 2 to confer upon them on the criminal side is that which all resident magistrates at present exercise under the Emergency Regulations, under Emergency (Amendment of Laws) Regulations, and which they have been exercising for a large portion of the period of the Emergency.

[The Minister for Legal Affairs]

For the permanent structure of criminal jurisdiction, however, it is proposed that that enhanced jurisdiction shall attach only to these senior resident magistrates *ex officio* and to other resident magistrates only by selective appointment *ad personam* in such areas as may be necessary and in regard to such officers as can, with full assurance, exercise that enhanced jurisdiction in ordinary times.

The amendments in clauses 9 and 10 relate to the procedure for appeals from subordinate courts to the Supreme Court in criminal matters. This again is a system which has been operating for the major part of the period of the Emergency.

Clause 11 contains in the first paragraph thereof very largely formal amendments—amendments to the Schedule of the Criminal Procedure Code which contains references to various offences and particulars of offences prescribed by the Penal Code. Some of these offences have, by legislation passed by this Council, been amended either as to penalty or in some other particular, and the first paragraph of clause 11 reflects those amendments, as in fact does the Schedule.

The second part of clause 11, particularly I am speaking of paragraph (b) of sub-clause (2), contains a number of sections of the Penal Code describing offences which are brought within the jurisdiction of subordinate courts of the first class. Again, this is a perpetuation of a jurisdiction with which they have been temporarily invested during the Emergency and which they have been exercising for some time.

Coming now then, Mr. Speaker, to clause 12, I should say at once that I do not propose to attempt to excuse what has been an omission. The last list of jurors and assessors, prepared in 1950 and published in 1951, should have been revised, or rather supplemented annually thereafter and replaced by a fully revised list triennially, and the year in which it should have been published was 1950. As I say, I do not excuse or attempt to excuse the omission to prepare supplementary lists and revised main lists, as required, in the Registry of the Supreme Court. In extension, however, I feel that it should be recognized that during

the Emergency the Registry of the Supreme Court, and particularly so in respect of 1953 when the revised main list should have been prepared and published, during that year and throughout the Emergency the Registry of the Supreme Court has been under the most intense pressure. The volume of criminal cases which has been dealt with by the Registry has been truly phenomenal—greater than at any other stage in the history of this country and greater, God willing, than it will ever be again.

That is one factor. Another factor is that it would, in fact, have been very difficult, if practicable at all, to have compiled a list which was worth anything in 1953 when the manpower of the country was spread all over the place when so many men were serving in various branches of the service and the forces and were distributed all over the country away from their ordinary homes and known addresses.

Thirdly, another factor which is in extension—I do not advance it as an excuse—is that since 1950 there have been, by reason of the administrative changes necessary in the department, no less than six changes in registrar. That is a position which will not be allowed to occur again I am quite sure, as the present Chief Justice is fully alive to the difficulties and the possible dangers of having so frequent changes in registrar.

MR. COOKE: On a point of order, Mr. Speaker, is the hon. gentleman not skirting very closely to what is *sub judice* in the courts to-day?

THE SPEAKER: I do not think so, not in my opinion.

THE MINISTER FOR LEGAL AFFAIRS: I do not intend, Mr. Speaker, Sir, to deal with that expressly. I will have a quiet talk with my friend afterwards as I do not want to draw too much attention to the point which he has raised.

MR. COOKE: I was trying to help.

THE MINISTER FOR LEGAL AFFAIRS: I appreciate that.

Now, Sir, the position which we seek in this clause to establish is to regularize the omissions which have occurred and to validate, in effect, the list which was prepared in 1950 and published in 1951 until a fresh list is ready for publication

[The Minister for Local Government, Health and Housing] That is quite true. It is necessary. That is quite true. More and more urban development is taking place. The first areas, I think, which will be particularly concerned with the development of suburban estates and housing will, first of all, be the areas surrounding Kisumu where already there is a rather deplorable condition of shanti towns and these provisions in this Bill will give powers to the African District Councils to control such conditions. I also hope that they will, the African District Councils concerned, will through this Bill be able to set aside an area for proper suburban development under their own control. There are other areas, as hon. Members will easily recognize, that may, indeed, require similar treatment. In fact, at the moment, I think, quite a problem is growing up around Nyeri, and no doubt around Nairobi as well the problem will soon be quite apparent. Of course Emergency conditions have been prevailing in those two latter areas which makes them rather different from other parts of the country. But I personally feel strongly that these powers should be given to the African District Councils as soon as possible so that the planning and development of what is bound to come, and what should come, that is suburban development near the larger towns, should take place on the proper basis.

The last provision, Sir, of the Bill is a fairly formal one and that is to give African District Councils the power normally given to other local authorities, other statutory bodies, to regulate their own procedure. At the moment, this is done by the Minister under the Ordinance, but we feel it would be much simpler if the African local authorities, who are able to do so, should be enabled to regulate their own procedure.

There is only one small amendment that I will move at the Committee stage, Sir, or will be moved at the Committee stage, of which I will give notice now. It is to do with clause 5 of the Bill—it is a very small one—it is merely that the word "powers" should be "powers"; both times and not in the singular once and in the plural the other time.

I do understand that hon. Members opposite may have suggestions to make

to clarify the appointment, or the method of appointment, and the establishment and membership and constitution of locational councils and, if they have the points to make, I wish they would make them and I hope that Government might be able to meet them.

Mr. Speaker, Sir, I beg to move.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING seconded.

Question proposed.

MR. AWORI: Mr. Speaker, Sir, while I beg to support the Second Reading of this Bill, I would like to ask the hon. Minister one or two points as far as this Bill is concerned.

If I can remember rightly, in this hon. Council when we have been discussing matters affecting the local government and the administration, particularly during the Budget, I raised the question of the North Nyanza district to be divided into two. I stressed the point of administration in particular, because I felt that one district commissioner in that area could not be able to handle all the affairs in turn. Happily, Government consented to that matter and, at one time, the hon. Minister for African Affairs said that this would be done with effect from 1st January, 1956. Now, I was opposed to the question of having this district divided into two as far as local government was concerned. My main fear was the question of finance. I thought that we were going to have a duplication of the money. In the meantime I understand that in North Nyanza we have got a surplus of £200,000 out of which £50,000 will be devoted to building up the Headquarters of the Elgon/Nyanza. Furthermore, we shall be forced to employ extra staff, some of whom may not be competent ones.

I was wondering, Sir, whether Government will accept the delay of this division as far as local government is concerned and let us have it divided administratively. I come from that area and know very well that one area is poorer than the other and it might bring up a number of financial difficulties when we have got two. However, Sir, after having consulted various members, both in North Nyanza and Elgon/Nyanza, they are of the opinion that we should have

[Mr. Awori] two African District Councils and I, as their voice, do not think that I should be able to oppose it. My personal conviction is that we should have gone ahead in dividing these districts as far as administration is concerned.

Now, Mr. Speaker, if this Bill is passed it means that in future if, in the opinion of the Minister for Local Government, he feels that a certain district is too large to handle in this matter, he will have to see that two districts are formed. Now I am wondering, Sir, whether this will be to the advantage of the progress of the district or to the detriment financially. Sir, I think that it will be to the detriment of the progress of the two districts that have been divided. The hon. Minister has already given notice about a certain amendment for which I have some sympathy and I will be able to support it during the Committee stage.

In the meantime, Sir, I beg to support the Second Reading of this Bill.

MR. GIKONYO: Mr. Speaker, in supporting the Second Reading of this Bill, I want to deal with one or two matters affecting the establishment of the membership of the locational councils.

As the Minister knows, there are in existence a very large number of locational councils in many parts of the African land units, and all that this Bill seeks to do is to give these locational councils statutory effect. As these councils stand to-day, they are fully elected. The inhabitants of any one particular location elect their own councillors into the locational council and in turn these councillors elect their own chairman. If this Bill becomes law, this practice is not going to be followed and it is there that I find this Bill most objectionable. I do not want to anticipate the Courts Report, but I do feel that the time has come when we should start moving from the nominal to the electoral system in all these statutory bodies. I would like to suggest to the Minister that he does consider, seriously, this point, whether it is not possible to make locational councils fully elected and that the councillors elected should and that the chairmen elected should elect their own chairman. If that is not possible, however, I would ask him to consider the question of following the

procedure which is followed in choosing the members in the African District Councils, which this Bill seeks to amend. I do feel that something of that kind would be much better than what is stated in this Bill, because as it is, the Minister himself will have to choose the members of the locational councils as well as members of the constitution. I do feel that this Bill should be amended in that respect to come in line with the principal Ordinance which the Bill seeks to amend.

Sir, I beg to support.

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

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Speaker, when I listened to the hon. African Representative Member, Mr. Awori, I made a number of notes in order to reply to him and point out that the people in the area concerned wish to have this African District Council divided, but then after all his logical argument against the division, he did himself admit that the people there do want it divided and I would like to say that under the powers that are given to me in this Bill, that before the division of any African District Council or, any further division, naturally the African people will be consulted and the African District Council concerned will be consulted. There will be no imposition. But it is entirely true that the people there do wish this division of the local government authority.

With regard to finance as the hon. Member knows, we have given a lot of thought as to how to divide the finances of this one local authority and, at this moment, officers of the Local Government Department are in the area helping to sort out the difficulties and a senior local government inspector will be sent up there in the next week or two to try to finalize the matter.

With regard to the remarks by the hon. African Representative Member, Mr. Gikonyo, I understand his feelings in this matter and I think that the Government can meet him to the extent that the provision under clause 4 tent that the provision under clause 4 tent of this Bill, sub-section (2) of 17 (c) which reads, "Any notice establishing

[The Minister for Local Government, Health and Housing]

an African local council shall make provision for the membership and constitution of such council"; it is a very wide provision and I am prepared, in order to meet his feelings, to expand that section on the lines of the section referring to the appointment of members of African district councils. That will at least show that numbers of the members of the local councils may be elected and the actual appointment and the decision as to whether or not members should be elected will be left to the Provincial Commissioner as it is so left with regard to the members of the African district councils. I hope that that will, at least, go some way to meet the hon. Member. The same principle can be applied to the chairmanship.

In order to meet his wishes, Sir, an amendment on those lines will be moved at the Committee stage.

Sir, I beg to move.

The question was put and carried.

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

COMMITTEE OF THE WHOLE COUNCIL

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

IN THE COMMITTEE

[D. W. Conroy, Bsq., O.B.E., F.D.]

—(Applause.)

THE MAIZE AND SORGHUM (IMPOSITION OF CESS) (AMENDMENT) BILL

Clauses 1 and 2 agreed to.

Clause 3

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Chairman, I beg to move the following amendment—that there be added after clause 2, the following new clause:—

"Clause 3, sub-section (1) of section 4 of the principal Ordinance is amended by substituting for the date the '1st day of August, 1954,' appear-

ing therein the date the '1st day of August, 1952.'"

Mr. Chairman, that will need a consequential amendment which I will move in a moment, renumbering clause 3 to clause 4.

Mr. Chairman, I must explain to hon. Members—well if the hon. Members want no explanation from me—I merely move, Mr. Chairman.

Question proposed.

The question was put and carried.

Clause 3, as amended, agreed to.

Title and enacting words agreed to.
The Bill, as amended, to be reported.

THE PROBATION OF OFFENDERS (AMENDMENT) BILL

Order for Second Reading read.

Clauses 1 to 3 agreed to.

Title and enacting words agreed to.
Bill to be reported.

THE CRIMINAL PROCEDURE CODE (AMENDMENT AND VALIDATION) BILL

Order for Second Reading read.

Clauses 1 to 5 agreed to.

Clause 6

MR. TYSON: Mr. Chairman, in clause 6 it mentions the words "on a typewriter". Is there any reason why it should be restricted to a typewriter? This Council has been in the habit of using palantype machines and quite recently in the courts the question of using recording machines has cropped up. I would like to know whether there is any particular reason for this restriction to the use of a typewriter.

THE MINISTER FOR LEGAL AFFAIRS: Mr. Chairman, this amendment is made in order to regularize the practice whereby certain magistrates find it more convenient to record on a typewriter as they go along rather than in what is notoriously very illegible and very laborious long-hand. As far as I know, no magistrates, as yet, have obtained palantyping machines.

MR. CHANAN SINGH: Mr. Chairman, should not the word "or" be inserted before the words "on a typewriter", so that the magistrates can either write themselves or type?

THE MINISTER FOR LEGAL AFFAIRS: Mr. Chairman, I think the hon. Member might have done what I am doing now, and that is refer to the context. I think it is a triple alternative, not merely a double alternative, but I will just check. I think the hon. Member is right. If he cares to move the amendment I will have much pleasure in accepting it.

MR. TYSON: Mr. Chairman, I still have not had an answer to my question in regard to the use of a recording machine.

THE CHAIRMAN: Mr. Tyson, I think the purpose of a Committee stage is to move amendments and, although I have noticed that considerable latitude is allowed for asking questions on the Committee stage, that is not the proper purpose for which the Committee stage exists. Committee stage exists for the purpose of moving amendments and I am sure that the hon. and learned Attorney General would be delighted to answer your question at another time in another place, but he cannot be called upon to answer it now.

THE MINISTER FOR LEGAL AFFAIRS: I am quite prepared to, Sir. I think that in this particular context, shorthand would probably include not necessarily Pitman's or any other particular type of short recording, but even the palantypist's record. I think that common sense in interpretation of the phrase—and the courts do, on occasion, apply common sense—would suffice.

MR. HARRIS: Mr. Chairman, I would like a ruling on a point of order. You have just made a ruling in respect of the hon. Nominated Member, Mr. Tyson, but I would not like it to go on the permanent record as a ruling that the Committee stage can only be used for moving amendments. We have, in the past, used the Committee stage to get formal answers to questions in order not to prolong the debate in the Second Reading. I feel, Sir, that perhaps you might like time to consider that ruling.

THE CHAIRMAN: As I understand it, Mr. Harris, the position is that one can seek an explanation on the Committee stage, but one cannot ask a question and demand an answer.

MR. TYSON: Mr. Chairman, what I wanted to be clear about was that this reference to writing being substituted by the use of a typewriter, might also be amplified by the use of a mechanical recording machine. I am not sure whether the hon. Minister for Legal Affairs appreciates the point I am trying to make.

THE MINISTER FOR LEGAL AFFAIRS: Sir, I admittedly was dealing with the question of palantype which I thought was my hon. friend's main point. Recording machines for the purpose of recording court proceedings have not, I think, yet been used. I do not know whether they are projected, I have not heard so, and certainly I have had no representations from the Chief Justice or other members of the Judiciary or Magistracy seeking sanction of tape or other types of recorders to use them for proceedings. If and when that becomes an imminent issue, I am quite sure I shall receive representations from the Judiciary.

MR. TYSON: Has, Sir, the question not reached a stage in the courts here where a magistrate had actually utilized a mechanical recording machine and it was subsequently ruled that it was not admissible?

THE MINISTER FOR LEGAL AFFAIRS: The hon. Member, I think, has rather confused the particular circumstances to which he is referring with the object of this section. The section in question relates to the record by the court of the evidence and proceedings before the court. In the particular circumstances which the hon. Member was referring to, the proposal was to tender in evidence a record made on a recording machine on a certain occasion which formed no part of the formal proceedings of a trial.

SIR CHARLES MARKHAM: Mr. Chairman, might I ask, if you allow questions, for an explanation anyhow about this word "shorthand" regarding a record of the court taken by a magistrate? Unless the shorthand is of a well-known make, or a brand you might call it, which can be interpreted by somebody else other than the magistrate, it is not shorthand. Therefore, it is not a direct record.

THE MINISTER FOR LEGAL AFFAIRS: Again, Sir, it is not contemplated that

[The Minister for Legal Affairs]

evidence should be taken down in shorthand by the magistrate himself. What is contemplated at the moment is this, Mr. Chairman: either that the magistrate in the ordinary way takes the longhand record himself, actually writing it himself, and he can under the section direct it to be written in his presence by someone else, but that that is not, in fact, done; alternatively, the magistrate may, himself, type it straight on to a typewriter. There is a third practical alternative, he may utilize the services of a shorthand writer who records the proceedings and then types the transcript and it is the transcript which forms the formal record of the court.

SIR CHARLES MARKHAM: The point, Mr. Chairman, is a shorthand writer going to use a recognized form of shorthand? I do a form of shorthand, Mr. Chairman, which nobody else can possibly interpret, I cannot read it myself quite often!

THE MINISTER FOR LEGAL AFFAIRS: I believe that is common to most systems of shorthand and that is one of the many advantages of palantyping in that anybody can understand the sort of piano-roll that comes off.

MR. CHANAN SINGH: Mr. Chairman, may I formally move that the word "or" be inserted before the words "on the typewriter" in sub-clause (a) of clause 6.

The question was put and carried.

Clause 6, as amended, agreed to.

Clauses 7 to 12 agreed to.

Schedule agreed to.

Title and enacting words agreed to.

The Bill, as amended, to be reported.

THE CHIEF SECRETARY: Mr. Chairman, I beg to move that the Committee do report back to the Council that it has considered the Probation of Offenders (Amendment) Bill and has approved the same without amendment.

And that it has considered the Maize and Sorghum (Imposition of Cess) (Amendment) Bill and the Criminal Procedure Code (Amendment and Validation) Bill and has approved the same with amendment.

Question proposed.

The question was put and carried.
Council resumed.

[Mr. Speaker in the Chair]

REPORT

MR. CONROY: Mr. Speaker, Sir, I beg to report that a Committee of the whole Council has considered, clause by clause, the Maize and Sorghum (Imposition of Cess) (Amendment) Bill and has approved the same with amendment.

Bill as amended to be considered to-morrow.

REPORT

MR. CONROY: Mr. Speaker, Sir, I beg to report that the Committee of the whole Council has considered, clause by clause, the Probation of Offenders (Amendment) Bill and has approved the same without amendment.

THE PROBATION OF OFFENDERS (AMENDMENT) BILL

THE MINISTER FOR COMMUNITY DEVELOPMENT: I beg to move that the Probation of Offenders (Amendment) Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

REPORT

MR. CONROY: Mr. Speaker, Sir, I beg to report that the Committee of the whole Council has considered, clause by clause, the Criminal Procedure Code (Amendment and Validation) Bill and has approved the same with amendment.

THE CRIMINAL PROCEDURE CODE (AMENDMENT AND VALIDATION) BILL

THE MINISTER FOR LEGAL AFFAIRS: Mr. Speaker, this Bill was amended purely formally by the insertion of one word which was left out as a printing error. With your permission, Mr. Speaker, I wish to take the consideration on report and the Third Reading straight away.

THE SPEAKER: If it is only a printing error, it is quite in order.

THE MINISTER FOR LEGAL AFFAIRS: I beg to move that the Criminal Procedure Code (Amendment and Validation) Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

MOTION

CIVIL SERVANTS' OVERSEAS LEAVE

Debate resumed.

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

MR. USHER: Mr. Speaker, Sir, I thank the Government for accepting this Motion. There are one or two points raised with which I should like to deal.

My hon. friend, the Member for Aberdare, was of the opinion that the shorter periods of leave, and the more frequent periods of leave would have the effect of associating officers more closely with the country. My hon. friend, the Chief Secretary, took the opposite view. In fact, he suggested—although he did not use these words—that, in his remarks, the hon. Member for Aberdare had launched a boomerang, and that this, instead of hitting the bird, the crested crane or what not, had come back and hit him in the eye. I do not take that view myself. It is what I think the magicians call a retortible dilemma. My hon. friend, the Member for Aberdare's point was that the shorter period of leave would have an eradicating effect, and that gradually, if I may change the metaphor, the officers concerned would be weaned from the mother country, and would learn to live the life of the country of their adoption. On the whole, I feel myself that the balance of argument is in favour of my hon. friend, the Member for Aberdare.

The hon. Chief Secretary, having accepted the Motion—for which I have expressed gratitude—did sound a little pessimistic. He spoke of the limited scheme as being, I think, hideously expensive. Well, that I can well believe. Indeed, it is bound to be so, but it is from the universality of the scheme that we depend for the saving, so that we might get what I believe is called "an even break".

I was very glad to hear the hon. leader of Government say that the Whitley Council would, of course, have to be associated in any discussion that went forward upon the proposals in this Motion. I hope they will be able to consider the possibility of each member of the Service having a leave account. I have been told that a leave account is undesirable because, if it were instituted, leave would then acquire the status of right, rather than its existing status of privilege. It is a fine point, on which I am not competent to pronounce, but I would draw the attention of the Government to the parallel case of pensions. I think most Government servants think that their pensions are a right, but if they look at the Ordinance they will find they are not. Those pensions may be voted to them—may be accorded to them by the Governor in Council—but, Sir, you have to keep an account of each officer's relations—financial relations—with the Government in order to determine what the pension may be, and I can see no difference now, if we were to open an account for leave—a leave and passage account.

It would have this great advantage, Sir, I am suggesting that, if the value to an officer of his leave and passages was found to be something like—shall we say—25 per cent of his salary—if the whole service desired earnestly that such a system as I am suggesting should be brought into force—the Whitley Council might use its good offices to suggest to them that they could make that sacrifice of which I was speaking yesterday—a sacrifice of a certain percentage of that ascertained and liquidated sum.

A further thing that I hope will be taken into consideration is that, with the increased use of the shipping and air lines—if such a system is put into operation, the Government certainly should be able to make much more advantageous terms for the transport to and fro of the civil servants—particularly, I may say, should an airline be a concern in which the Government might have any financial interest.

The hon. the Chief Secretary spoke of the gradual examination of this question. I can only say I hope it will not be too gradual! I must say I felt yesterday—

THE CHIEF SECRETARY: I fear it was my slovenly enunciation. The word I used was "gladly".

MR. USHER: I was relying on HANSARD, Sir! I must say, however, I did feel, in spite of the explanation, that perhaps the hon. leader had abandoned some of the clan which distinguished him in the field of administration as an administrative officer. No doubt, he has to do that, however, in his very high position—he is bound to be cautious and, as he has accepted the Motion in no ungracious terms, I am thankful to him.

The question was put and carried.

MOTION

OFFICIAL GAZETTE IN ENGLISH AND SWAHILI

MR. AWORI: Mr. Speaker, Sir, I beg to move that, in the opinion of this Council, the *Official Gazette* should be published in both English and Swahili.

Mr. Speaker, as can be seen on the Order Paper, this is a very brief Motion, and I am not going to delay the deliberations of this hon. Council on this matter. Despite its brevity, I attach great importance to this Motion because, in my opinion, Sir, it is going to affect the masses. Now, this hon. Council is responsible for matters affecting the masses of people in Kenya. Mr. Speaker, the *Official Gazette* is published in English only, but matters that are printed in this paper affect millions who understand English, Swahili and other languages, but it is the minority who understand the English language. It will be recalled, Sir, that during the life of this Council—a couple of years ago—the hon. Member for Mombasa brought before this Council a Motion which dealt with the question of encouraging English as the *lingua franca*. Although, Sir, I was in sympathy with this Motion, I did not vote for it, but I do not want to raise matters which were debated in that Motion. I still support that English should be the *lingua franca* of Kenya, but, as an interim measure, before we can be able to have the masses of our people to understand the English language, I feel we shall be serving a good purpose for the country if we have the *Official Gazette* published in both languages.

Mr. Speaker, Sir, whether we like it or not, Swahili is one of the ten major languages of the world and, when we take into consideration that there are over 2,000,000,000 people in the world, then we can understand the importance of this language. For that matter, Sir, anybody who can deny that Swahili should not be used in our *Official Gazette*—I think he is just trying to evade the issue. Those of us, Sir, who read the *Official Gazette* understand lots of matters which are printed in this *Gazette*, and they affect the masses of the people—it does not matter who they are. There are a lot of reports, bills, propositions, transfers, which should be understood by the majority of the masses, but how many, Sir, do understand what is published?

I have received a number of queries from my friends whereby Africans, whose land has been alienated, and notices have been published in the *Official Gazette*, and yet they have not been able to comprehend, or to know. Some might be living in Tanganyika or Uganda, but even if the District Commissioner or the Provincial Commissioner brings to the notice of the members of the public, still there are those who will not be able to understand. Even now, Sir, during this time of the Emergency, numerous Bills have been published, but how many millions, Sir, have been able to understand these Bills—in Swahili—which have been printed or published in English?

Mr. Speaker, the issue that I am raising is not unique. I will be able to quote examples, where they have two or three major races, the *Official Gazette* of that country is printed in the two or three major languages that people understand. For instance, Sir, I quote South Africa. The *Official Gazette* is printed in English and Afrikaans; in Ethiopia it is printed in English and Amharic; in the Sudan it is printed in English and Arabic. I can quote many more examples, Sir, to justify my argument. Now, I do not see any reason why we in Kenya should not follow the same example for the benefit of the masses; if at all we believe in a democratic Government which is going to help this country.

Sir, the other point which might arise is the question of expense. I know that

[Mr. Awori] by adopting two languages the expenditure will increase, but I will now be able to give an argument which will show that if we adopt both languages, in fact our Treasury will make more money out of this publication. Mr. Speaker, I hope that our Government will be able to let us know the present sales for the number of copies of the *Official Gazette* as it is now in English. The price is fifty cents. For example, before I get the figures, let me say that the *Official Gazette* goes to very few people. If, for instance, in the meantime we have been printing only 2,000 copies in English, I can be able to say, Sir, that if it was printed in two languages the sales—I could guarantee sales of not less than 15,000 copies—or even 20,000 copies—at twenty-five cents per copy instead of the present price of fifty cents, and it will be able to be sold and read by more people than as it is in the meantime. For that matter, Sir, I will not like the Government to give an excuse that it will be very expensive to have this paper in both languages.

Now, Sir, the other point is the question of translation. I have been told that there are a number of legal words which cannot be translated into Swahili. I do not think, Sir, that is a suitable argument. If we go down to the Coast we shall find Africans who are very well versed in the Swahili language, and in the English language, who would be able to be employed by the Government Printer and have all this done in the most able way. Some of the hon. Members in this Council are in possession of the English-Swahili dictionary, and we still have other words translated, and we could use the dictionary very well. If, in the English language we have got a number of words from Latin, from French, from Russian, German and several other languages, and so in Swahili, for that matter, we should not neglect this language; and if the Government themselves wish the civil servants to learn this language why, in the name of progress, do they neglect the Swahili language for the officers in the field, and let them try and use English alone? They will not go further. If Government insists that their civil servants should learn the Swahili language besides the official English language, now, Sir, I feel that

Swahili should be incorporated in our official publication.

As I said, Sir, it is not in the interest of this Council that such a short Motion like this one, I have raised to-day should occupy too much time of the Council. For that matter, I would like to be as brief as possible and conclude. I have spoken a bit too quickly and, at the same time, I do not want to raise too many matters, because we have got more matters on the Order Paper, so that I would like this Motion to be dealt with as quickly as possible. Lest some hon. Members feel that I am trying to belittle the English language, I would say that throughout my whole academic career, I always got a distinction in English. In conclusion, my own son, who is just over a year old—the first language he has learned is English. For that matter, I think I have due respect for the English language, but, Sir, for the benefit of the masses who will be able to benefit if this Motion goes through, I pray that the hon. Members on this side of Council, and the Government, should support me on this Motion.

With these words I beg to move.

MR. ARAP MOT: Mr. Speaker, Sir, in supporting this Motion, I will not repeat what my hon. friend has said.

In translating the *Official Gazette* into Swahili, it will serve three purposes. One is, it will help Africans—those who understand and can read Swahili—to be able to know what is going on in the machinery of Government. For instance, I was reading the other day in the *Official Gazette* whereby a grazing land in the Samburu country was gazetted and that a fee of one shilling per year will have to be paid. I am wondering—do those people really understand what is going on? Supposing they trespassed on that grazing land—they would be fined because they do not know what has been passed by Government.

Secondly, if this Motion is passed, it will serve, I am sure, many European civil servants, as well as Asians who are required to pass a higher Standard Swahili Examination, which will enable them to have their increments. Sir, this will help them to learn more Swahili, so that when they sit for the examination they may be able to pass.

[Mr. arap Moi]

Thirdly, Sir, if this Motion is passed, it will swell the Treasury by allowing a lot of African people to buy the *Official Gazette* if the price is reduced to twenty-five cents, so that many people may be able to buy it, and I am sure on my part I will do my level best to convince my fellow Africans to buy it and see what things affect them.

With these points, Sir, I second the Motion.

Question proposed.

MR. USHER: Mr. Speaker, Sir, when a Motion has been moved so well—if I might be allowed to say so—as the present Motion has been moved, and seconded so ably too, it seems a little churlish to have to oppose it, because I believe that the best possible case has been made out by the two hon. Members who have dealt with the Motion: but, Sir, I am opposing it on various grounds.

Let us take one which they have adduced themselves. First of all, it was suggested, I think, that the *Official Gazette*—not very many copies of the *Official Gazette* were, in fact, sold, but that more would be sold if you reduced the price. Well, Sir, I am quite sure that the *Official Gazette* is not—and never will be—a “best seller”, and I doubt whether anybody would buy it for twenty-five cents unless he had a very particular interest to watch!

The second point is, of course, that most of the matter in the *Official Gazette* is—although not necessarily concerned with legal enactments—in legal phraseology. That, we have been told over and over again, is not susceptible to presentation in the Swahili language. Indeed, one of the hon. Members said that it was very difficult for them to understand the Emergency Regulations. We do not understand the Emergency Regulations, and I believe the Emergency Regulations sometimes are not even understood by the Legal Draftsman! What would happen if they were turned into Swahili? I hate to think.

Generally, Sir, I feel that this also is in some ways a perpetuation of multilingualism, and I am just wondering

whether, if the Motion is successful, a will not be followed by a request for the publication of the *Official Gazette* in Arabic, Gujarati, Urdu, and so on.

There is no doubt in my mind—I dare say we shall be given figures for this—that the publication in such form of the *Gazette* would be costly, and, if we really have the money to spend on that, I do suggest, Sir, that it would be better spent upon teaching the English tongue.

I beg to oppose.

MR. HARRIS: Mr. Speaker, Sir, in opposing this Motion, I must congratulate the hon. Mover on the beautiful picture he drew of thousands of Africans rushing along every Tuesday to buy the *Official Gazette*. To see what was going on. Well, Sir, I have had to read the *Official Gazette* for a good many years, and it has never told me anything that is going on. In fact, it is quite the driest thing I have to read: but the Mover, Sir, gave a figure of 2,000 copies a week being sold at the present time, at fifty cents each, and assumed that was an economic price. I would very much like to know from Government, Sir, how much the *Official Gazette* costs us already to be published in an English version: and when one has to translate that into Swahili, not only the printing costs and the paper costs, but the cost of interpretation—in my experience of having to get Swahili interpreters, you have to have at least three to check any one—the cost is going to be very considerable.

But, Sir, the real reason why I am opposing this Motion is that the hon. Representative Member quoted other countries where they have bilingualism. He mentioned particularly South Africa, Ethiopia and the Sudan. Well, Sir, I would not have thought they were very good examples at the present time of a wonderful bed of roses as far as race relations are concerned—any of them—and, Sir, it is interesting that in history that, wherever one gets bilingualism in any one country, one always gets separatism, and not collectivism. I would have thought, Sir, that it is in the interests chiefly of the African population of this country to try to get a moulding of the races, and not a separation of the races—which this undoubtedly would lead to.

[Mr. Harris]

Therefore, Sir, for that reason I oppose, and—just as a last thought—I suddenly thought of the Sudetan Germans in Czechoslovakia, who had a different language in one country and they, Sir, were the people to originate the seeds of the last Great War.

THE SPEAKER: I think perhaps this would be a suitable opportunity to take the customary break of fifteen minutes. I will therefore suspend proceedings for fifteen minutes.

Council suspended business at fifteen minutes past Four o'clock and resumed at thirty minutes past Four o'clock.

THE CHIEF SECRETARY: Mr. Speaker, Sir, for all the eloquence of the hon. Mover, there are a number of reasons why the Government cannot accept this Motion.

First, the greater part of the material published in the *Gazette* is not susceptible to an accurate translation into Swahili.

Secondly, the expense of publishing a Swahili version would be formidable; and, thirdly, the Government is not satisfied that the demand for a Swahili version is great enough to justify an expenditure of this sort.

As to the suitability of the contents of the *Gazette* for translation into Swahili, the hon. Member for Mombasa exploited a rich vein of fantasy in a debate two and a half years ago on the use of English. The hon. Member will recall his lyrical reference to the “still unravished bride of quietness”. I do not propose to contest his supremacy in this field of wit, and I shall be scrupulously humdrum in my treatment of the subject: but I feel, in order to illustrate the difficulties which would arise—and more particularly in the legal field, and the technical field—I should take two notices from the *Gazette* and, by quoting them in this debate, I hope to show the difficulties with which a translator would be faced.

The first is Government Notice No. 1298 of 1954. It reads:—

“Without prejudice to the provisions of the foregoing proviso, any application under this section may be made after

completion of eleven months of the aforesaid period of twelve months' residence.”

It is not easily put into Swahili.

The second is a technical one. It is No. 1796 of 1954, and it reads:—

“By substitution for the words ‘bacillary white diarrhoea, fowl paralysis’ appearing therein, the words ‘bacillary white diarrhoea and pullorum disease, fowl paralysis, fowl pest, bumpy-skin disease and paratuberculosis (Johnes disease).”

Now, in addition to the difficulties of translation, much of the material in the *Gazette*—and all of it in the *Supplement*—ranks as legislation—matters which the citizen can disregard at his peril—and we should be doing a great disservice to African readers of the *Gazette* if in trying to tailor the English into Swahili we unwittingly distorted the provisions of the law, and so misled him. Similarly, we might—by over-simplification—give a completely false impression of what the law requires, for, in spite of its great flexibility, Swahili is not a language designed for the expression of legal concepts, nor is it an effective instrument for the conveyance of that very precise thought which characterizes the legal draftsman. In other words, gentlemen, if I may coin a phrase, the translation would be completely *bari*!

With regard to cost, I am informed by the Government Printer that the cost of printing a Swahili version of the *Gazette* would be about double that of the present English version. The English cost is £7,000 a year—to that we should have to add a further £7,000, and, in addition, further sums to cover extra machinery and translators, and a man skilled in the law who could provide the necessary check. The Government Printer, who—as every hon. Member knows, is a man of great resource and a very long-suffering fellow, tells me that the *Gazette* would cost £16,000 per thousand copies—a limited edition of 1,000 copies.

If, indeed, there were a demand, the Government would be prepared to issue these thousand copies on pre-payment. A year's subscription would amount to about £16; and if a thousand readers were prepared to pay a subscription in

[The Chief Secretary] cash of £16 each the Government would be prepared to use its resources in producing a limited edition.

Now, Sir, the size of the demand. I cannot admit any force in the argument of the two million Swahili speakers. There may be two million or ten million, but what affects the point at issue is how many of those ten million wish to read the *Gazette* in Swahili? To apply the argument on a smaller scale, the hon. Secretary referred to the Samburu who were likely to suffer some disadvantage through not knowing what rates they should pay in regard to their stock. I cannot believe that in the whole of the Samburu country there are more than a thousand men who speak Swahili, or more than a couple of hundred who can read it; they would, in fact, derive no advantage.

Finally, Sir, may I suggest that if, in any small community—any village or township—there are a number of persons who wish to have the contents of the *Gazette* in Swahili explained to them, their better educated—better endowed—companions should arrange for a small group to be formed, in which they can assemble and have the great pleasure of reading the *Gazette* to one another. This practice was followed and, indeed, became a much valued social occasion, by ladies in Victorian days, who found some difficulty in disentangling the real meaning of the more-obscure works of Robert Browning, and I suggest that the technique of the Browning Circle might easily be applied to this problem, and indeed it should provide a beneficial occupation, Sir, for both young and old.

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

MR. AWORI: Mr. Speaker, Sir, when moving this Motion I had not consulted a single member of the Government, except one member on this side of Council, who said that he was going to oppose it, and unfortunately he is absent.

Happily, I am glad that the arguments raised certain points, of which I have still got the conviction that, despite my losing this Motion, if I return to this Council, at one time or another, I will

still raise this Motion, because I feel that up to the next hundred or one hundred and fifty years Swahili will still be a major language in this country.

One point which was raised by the hon. Member for Mombasa when he mentioned that Swahili was never a "best seller" for the *Official Gazette*. That is true and, in moving this Motion, I knew that it was a calamity—I knew the country was losing money by publishing the *Official Gazette*, but nevertheless I thought that maybe we might be able to make more money—at least to pay a bit of the losses—by having the co-languages. I did not wish to raise the question of having two separate issues, but having the two languages in one issue.

Some hon. Member mentioned the question of some other people in this country who might want it published in Gujarati, Urdu or Arabic in the same *Gazette*, but I could say that when I moved this Motion, when I quoted South Africa, I knew that they have got the Zulu, the Xosa and so forth, but they have not brought up the issue that their languages should be co-operated in the *Official Gazette* as it is with the English and Afrikaans.

The hon. Member for Nairobi South raised another point about this *Gazette*, that maybe I have the feeling that thousands of Africans on Tuesdays would want to buy the *Official Gazette*. That is not true. It would only be a certain section. Nevertheless, more Africans who at the present moment do not read the *Official Gazette* would nevertheless buy it.

Mr. Speaker, I agreed entirely with most of the points raised by the leader of this Council, the hon. Chief Secretary, but I do not agree with some of his explanations, saying he could not translate "white diarrhoea"—giving a translation in the hospitals. When, in hospital, you are suffering from such and such a disease, they do not face language difficulties. They say "*Wewe mgonjwa diarrhoea*", and they understand it. They will not use the words "white diarrhoea". For that matter, that argument does not arise.

Those of us who read the Rubaiyat of Omar Khayyam, we know very well these poems have been translated into

[Mr. Awori] Swahili by one author well, and to translate that book into Swahili was a feat, but this man—if you read his translation of this poetry—you will be amazed at the beautiful language that he has made out of these poems. For that matter, I do not agree that it is entirely true that it will be difficult for the Government to be able to get good translation of what appears in the Swahili language.

Despite my losing this Motion, I am glad it has been put on record, and one day there will be those—in a hundred years' time, or fifty years' time—who will agree with me that I was right in bringing this Motion before this Council.

Mr. Speaker, I beg to move.

The question was put and negatived.

MOTION

PROTECTIVE TARIFF ON IMPORTED GLASS BOTTLES

MR. HARRIS: Mr. Speaker, Sir, I beg to move:—

THAT Government be requested to review legislation whereby a protective tariff is imposed on imported glass bottles. Government is particularly requested to investigate the present position whereby a tariff imposed to protect a local industry, is being operated in such a manner as to increase the cost of living factor on items which are bottled in containers, for which local manufacturers are unable to fulfil local requirements.

Now, Sir, when this tariff on imported bottles was imposed by this Council in June, 1954, it received general assent. It was assumed at that time that this duty would be operated in such a manner as to try and encourage what was then a young and developing industry which we hoped would employ a considerable number of people of all races. I believe, Sir, that if it is possible to protect a local industry in this manner, the sentiment of the Council would still be in favour of the imposition of a tariff, but, Sir, it so happens that the local manufacturers are only able to manufacture certain types of bottles and yet the tariff is now being imposed on the importation

of all types, including many which are not made locally.

In the debate in 1954, Sir, I mentioned a specific type of bottle which is known, I believe, as A.C.L., which is an abbreviation for "applied colour label", which is familiar to most Members and where the imprint of the manufacturer is actually fused into the glass. If I may, with your permission, Sir, read from column 944 of HANSARD of 4th June, 1954. The remarks I made then included this paragraph: "There is one point on detail, Sir, on which I would like a reply from the Minister, and that is I am told there is a product of the glass trade known as A.C.L. bottles. It is a creation, I am told, of 'applied colour labels' in which the label is, in fact, part of the manufacturing of the bottle and so far the local industry is unable to produce that type of bottle. I am told that among other things it requires considerable capital expenditure to be able to produce A.C.L. That being so, I am not quite sure if, in the Schedule to the amending Bill, A.C.L. will be subject to the 20 per cent *ad valorem* or not, but I would ask Government to consider the possibility of enabling such bottles to come in free, at any rate until such time as Kenya is, in a position, if not to produce A.C.L., at any rate something which could be substituted for A.C.L., when I will also support a duty on that type."

The Minister for Commerce and Industry, Sir, in replying to that debate, said: "Mr. Chairman, to deal with the point raised by the hon. Member for Nairobi South, first, the type of bottle where the label is fused into the glass does, I understand"—and then, Sir, he gave himself a let-out—"and I will have to confirm this as the question was raised without notice, come in free. I do not think it comes into the definition of bottles, common. In other words, it is a particular type of bottle with an addition which, in fact, excludes it from the definition."

Now, Sir, as there was no other explanation from the Minister, it was assumed that his presumption then that these bottles did not come within the definition was accepted by Government, and for many months the Government arranged that importers of A.C.L. bottles

(Mr. HARRIS: would receive a drawback of duty. This drawback from the imposition of the duty until 1st October, of this year when, if very short bottles, the drawback concession will withdraw and the A.C.L. bottles which were the subject of those remarks by the Minister are now subject to the duty.

Now, Sir, it was made quite clear in that debate in June, 1954, that this was a protective tariff and was not intended in any way to be a revenue-raising tariff. If the assumption is that this country can now produce either an A.C.L. bottle or a bottle which fulfils the same purposes as A.C.L., then there is justification for the tariff, but unfortunately, Sir, this is not the case. A.C.L. is a type of bottle which is becoming more and more popular in civilized countries and has very great advantages to the user. It is first, made by one manufacturer of another manufacturer's bottles at a return; it saves the expense of labelling and has other advantages; and there is, in its own sphere, no alternative bottle. It could, of course, Sir, be argued that an ordinary white bottle will contain liquid and therefore is a substitute for this particular A.C.L. bottle, but, Sir, I have heard the Minister say, on the question of siting of industry in the past, that we must leave manufacturers in the country to decide where they must go; I would suggest, Sir, that the argument is also true, that when it comes to marketing his products, the manufacturer must be left to his discretion to decide the best way in which his product can be marketed.

I have made a point, Sir, of this particular type of bottle, but there are other types on which duty is now being levied and for which local manufacturers cannot meet the demands. In fact, it is extraordinary that the same civil servant who wrote the letter withdrawing the drawback of duty caused in the same month to be written a letter asking for shipping priority for bottles into Kenya and used as one of his reasons that the local manufacturers were unable to meet the demand! It therefore seems, Sir, there is some inconsistency in imposing this duty on all types of bottles, regardless of whether they are made locally—or similar types are made

locally—or not, particularly on this specific bottle, the A.C.L.

The purpose of this Motion, Sir, is to ask Government to investigate very carefully how this duty is being operated at the present time, and I would reiterate that I, and I think all Members of the Council, agreed with the principle of the original duty providing it was imposed to protect the local industry. But, Sir, it is now being operated in such a way, as is suggested in the Motion, as to increase the cost of living without any consequential benefit to a local factory, because the local factory is now turning out the goods which the duty was imposed to protect.

I think, Sir, I have probably said enough, if taken with the Motion itself, to explain my purpose in bringing it, and I beg to move.

LT.-COL. GEORGE M. SPEAKER, Sir, I beg to second and reserve my right to speak.

Question proposed.

THE MINISTER FOR COMMERCE AND INDUSTRY: Mr. Speaker, I should like to say straight away that Government can accept the Motion which has just been moved. In doing so, I should like to add one or two words of explanation.

I think the hon. Member would agree that there is a distinction to be drawn between goods in the form of glass bottles that are not likely to be manufactured in this country in the near future and where the supply is inadequate because demand is rising more quickly than production can meet it.

Now, Sir, in the case of certain types of bottles—and I would not have raised this unless the hon. Member had not referred to letters from an officer of the Department of Trade and Supplies—the distinction, I think, is fairly clear. When he wrote and said a shipping priority was being given for a certain type of bottle, I understand it was because the supply from the local source was not adequate or possibly at that time, not altogether satisfactory, but there was no inconsistency in terms of protection, as while protection was in existence, the glass factory was producing that type of bottle and was installing additional

[The Minister for Commerce and Industry]

Machinery. The hon. Member may be interested to know that a large-scale test has been carried out on the product of that particular factory by one of the biggest users, and it has been found that the breakage factor, for instance, is less than the breakage factor on certain imported bottles. I can give the hon. Member the full details of this test if he wishes to see them.

However, on the question of A.C.L. bottles, I do agree with him that that is a matter that must be re-examined as, again, I agree with the terms of the Motion, that where a type of glass container is required in the country and there is no prospect of it being manufactured, then I think that as the revenue question is not under consideration, then it is reasonable to re-examine the system and work out some means by which duty will not be paid.

Now I would only like to mention two further points very briefly. Machinery is on the way to this country, so I am informed, to be installed in one of the glass factories to manufacture the small type of bottle that has not previously been manufactured in the Colony. That will, I think, represent at any rate some justification for a policy of protection.

There is a second point that I wish to make, which is that it is necessary if capital development is to continue in this particular industry, that there should be some continuity, some certainty as regards policy and also some encouragement for additional investment.

The last point I feel that I should mention is in connexion with the cost of living. Of course, all tariff protection has an effect on costs—the only reason that it is required is because the local article cannot fully compete with the imported article and therefore a price has to be paid—in this case a fairly modest one—in the case, for instance, of bottles containing medicines it might be 1-per cent on the retail price. However, as I said, machinery is coming into the country which should be able to turn out that type of bottle.

In conclusion, Mr. Speaker, Government is prepared to accept the Motion in the spirit in which it has been moved.

Mr. TYSON: There is one aspect of this matter that should not be lost sight of; the tariff which is referred to in the Motion as having been imposed to protect the local industry was, I suggest, imposed in order to enable that industry to get on to its feet; and to that extent it is achieving its object. As the hon. Minister has pointed out, the Kenya Glassworks, for example, in Mombasa have now, I think, reached the stage where they can produce a bottle which is as good as any imported bottle, and provided these people are given a little encouragement by the aid of this protective tariff, I think we will get to the stage where, over a period, they will eventually be able to meet the whole of the requirements of that particular type of bottle of Eastern Africa.

So that whilst it may be necessary to differentiate between the particular type of bottle that the hon. Member has referred to, I do think we should keep in mind that the original intention of this Council in agreeing to this tariff is actually being achieved. It may mean a completely new industry being established here, producing an article and giving employment to a large number, particularly of the local inhabitants.

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

Mr. HARRIS: Mr. Speaker, Sir, I am grateful to the Minister for accepting this Motion, but both he and the hon. Nominated Member who has just spoken have, I think, missed one of the major points. I tried to emphasize that I agree with the principle of a protective tariff to protect an industry which is producing in this country. If the Minister, Sir, wishes to hold out a tariff to an overseas investor, I am quite sure, with confidence, he could say: "If you are going to put your money into this country, when you are in a position to produce we will put on a protective tariff." But, Sir, you noticed in his remarks he told us that machinery was on the way for a new type of small bottle. Well, Sir, when that machinery is installed, then, I believe, is the time to come to this Council and say: "Now I want a protective tariff on small bottles," rather than to put on a tariff and put up costs; for it will be 18 months certainly from the time of the

(Mr. Harris)

imposition of the tariff until the time that the machinery is working, and the only effect is an increased cost for 18 months when it is doing nobody any good, but we could have promised those investors 18 months ago that when they are ready they could have had their protective tariff.

However, Sir, the Minister has indicated that Government will investigate this matter, for which I thank them.

Will you move.

The question was put and carried.

NOTICES

SUSPENSION OF STANDING ORDERS

THE CHIEF SECRETARY: Mr. Speaker, Sir, I beg to move that under Standing Order 168, the Standing Orders be suspended to the extent necessary to enable the African District Councils (Amendment) Bill (Bill No. 11) and the Maize and Sorghum (Imposition of Cess) Bill (Bill No. 9) to be taken through their remaining stages today.

THE MINISTERS FOR LOCAL AFFAIRS concurred.

(Question proposed.)

The question was put and carried.

COMMITTEE OF THE WHOLE COUNCIL

(Mr. D. W. Conway, *Chairman*, is the Chairman.)

AFRICAN DISTRICT COUNCILS (AMENDMENT) (No. 2) Bill (Clause 1) to be read on.

(Clause 1)

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Chairman, I beg to move that there be substituted for sub-section (2) of section 17A, appearing in clause 4, a new sub-section, as follows:—

(2) (ii) Every African Local Council shall consist of such members as the Provincial Commissioner may determine, who shall hold office for such period as he may direct.

(b) The members of an African Local Council shall be appointed by the Provincial Commissioner by notice in the Gazette:

Provided that the Provincial Commissioner may, in lieu of such appointment, authorize the election of a specified number of members to any African Local Council. Such elections shall be held in such manner, and in respect of such geographical or other units, as the Provincial Commissioner, after consultation with the African District Council within whose area the African Local Council is situated, may direct.

Sir, this amendment is necessary due to representation made by the Members on this point.

Question proposed.

The question was put and carried.

Clause 4, as amended, agreed to.

Clause 5.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: I beg to move that clause 5 be amended by substituting for the word "power", appearing therein, the word "powers". It is necessary that the word should be in the plural.

Question proposed.

The question was put and carried.

Clause 5, as amended, agreed to.

Clauses 6 to 11 agreed to.

Title and enacting words agreed to.

Bill, as amended, to be reported.

THE CHIEF SECRETARY: Mr. Chairman, I beg to move that the Committee do report to Council that it has considered the African District Councils (Amendment) (No. 2) Bill and has approved the same with amendment.

Question proposed.

The question was put and carried.

Committee resumed.

(Mr. Speaker in the Chair)

REPORT

MR. CONROY: Mr. Speaker, Sir, I beg to report that a Committee of the whole

Council has considered the African District Councils (Amendment) (No. 2) Bill and has made amendments thereto.

THE AFRICAN DISTRICT COUNCILS (AMENDMENT) (No. 2) BILL

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Speaker, Sir, I beg to move that the African District Councils (Amendment) (No. 2) Bill as amended in clauses 4 and 5 be considered and the Report of the Committee be agreed.

Question proposed.

The question was put and carried.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Speaker, Sir, I beg to move that the African District Councils (Amendment) (No. 2) Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

THE MAIZE AND SORGHUM (IMPOSITION OF CESS) (AMENDMENT) BILL

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Speaker, I beg to move that the Maize and Sorghum (Imposition of Cess) (Amendment) Bill as amended with the addition of a new clause be considered and the Report of the Committee be agreed.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: I beg to move that the Maize and Sorghum (Imposition of Cess) (Amendment) Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

ADJOURNMENT

THE SPEAKER: That concludes the business on the Order Paper and Council will now stand adjourned *sine die*.

Council rose at twelve minutes past five o'clock.

WRITTEN ANSWERS TO QUESTIONS

No. 38

Lt.-Col. S. G. GHESSIE, O.B.E. (Member for Nairobi North) to ask the Minister for Commerce and Industry to state:—

The number of empty berth days in the Port of Mombasa during the last three months and what loss of tonnage this would represent in respect of imports into the Colony.

REPLY:—

Sir, I am informed by the East African Railways and Harbours Administration in the following terms:—

The number of berth days lost were, August, 51½ days, September 27½ days, and October 26 days. The tonnage lost during August is estimated at 15,000 bill of lading tons, and is an aftermath of the United Kingdom dock strike. No significant tonnage was lost during September and October, and for the hon. Member's information a record tonnage of 118,000 bill of lading tons

was landed during the September month.

No. 51

Mr. E. W. MATHU (African Representative Member) to ask the Minister for Agriculture, Animal Husbandry and Water Resources to state:—

The number of Africans now growing sisal on a plantation basis as opposed to hedges in the Machakos District and the average number of acres under sisal owned by each grower.

REPLY:—

There are no Africans at present growing sisal in Machakos District on a plantation basis. Africans in Machakos District commonly plant sisal in hedges, for defining or subdividing holdings; for fencing grazing areas and as part of communal conservation works. While the area planted with sisal is in total considerable, in the circumstances explained it is not possible to give a realistic figure of the average acreage under sisal owned by each grower.

Index to the Legislative Council Debates
OFFICIAL REPORT

10th Council—Fifth Session—First Meeting

VOLUME LXVII

18th October, 1955 to 7th December, 1955

Explanation of Abbreviations

Notice of Motion=NoM; Bills: Read First, Second or Third Time=1R, 2R, 3R; In Committee=IC; Referred to Select Committee=SC; Select Committee Report=SCR; Recommitted to Council=Re.Cl.; Withdrawn=Wdn.

Adie, Mr. J. J.—

See—Minister for Education, Labour and Lands

Adjournment—

Daily, 28, 63, 126, 178, 244, 314, 381, 432, 496, 561, 598, 646, 678, 708
Sine die, 754

Administration of Oath—

1, 433, 646, 709

African—

Appropriation Statement and Revenue Accounts, 315, 429
Holmes Report on Working of African Courts, 382
President of North Nyanza District Council: Question of, 66
Promotion of Policemen to Rank of Assistant Superintendent, 64
Security of Tenure at Bahati and Makadara, 65
Teachers' Contributory Pension Fund, 29
Women's Teacher Training College, 127, 348

African Teachers—

Contributory Pension Fund for, 29

African Women's Teacher Training Colleges—

Construction of, 127, 348

Agriculture—

Cereal Crops in Troubled Areas, 31
Cereals Finance Corporation Bill, 28
Concessions to Farming Community on Kerosene Oil Duty, 182
Hybrid Sorghum from U.S.A., 33

Anderson, Dr. T. F. O.B.E., M.D.—

(Nominated Member)
Administration of Oath, 646

Appropriation Statement and Revenue Accounts: African Affairs—

Further Period of One Month for Transmission of, 315
Motion, 429

Asian Minister without Portfolio—

(Mr. A. B. Patel, C.M.G.)

Eviction of Tenants (Control) (Amendment) Bill, 28
Spirituous Liquor Discriminatory Law, 602

Awori, Mr. W. W. W.—

(African Representative Member)

African District Councils (Amendment) (No. 2) Bill, 724-5
African President of North Nyanza District Council: Question of, 68

African Representative Member of Northern Province of Kenya, 11
Appointment of Estimates Committee, 44
Appointment of Select Committee to Consider Emoluments, 48
Approach Roads to Parliament Buildings and Secretariat, 246
Car Allowances for Chiefs, 600
Central Legislative Assembly: Continuation of, 529
Election of Elgon Nyanza African District Councillors, 710
Exposition of Public Policy by H.E. the Governor, 125, 287
Illegal Immigration into Kenya, 181
Kisumu/Kiboswa Road: Macadamizing of, 654

Official Gazette in English and Swahili, 600
735-8, 743-5

Policy Concerning Captured or Surrendered Terrorists, 645
Promotion of African Policemen, 64
Selection of African Representative Member, 710
Suspension of Standing Orders, 562

Bills—

African District Councils (Amendment) (No. 2), 1R 656, 2R 721, 3R 753
Cereals Finance Corporation, 1R 28, 2R 37, 3R 368, 3R 369
Control of Imports and Exports—1R 28, 2R 37, 3R 368, 3R 369
(See also—Trade and Supplies)
Criminal Procedure Code (Amendment and Validation), 1R 715, 2R 715, 3R 728, 731, 3R 733
Customs Tariff (Amendment) (No. 2), 1R 436, 2R 586, 3R 627

Eviction of Tenants (Control) (Amendment), 28
 Maize and Sorghum (Imposition of Cess) (Amendment), IR 605, 2R 656, IC 727, 731, 3R 754
 Penal Code (Amendment), IR 436, 2R 575, IC 618, 3R 626
 Price Control, IR 436, 2R 560, 562, IC 659
 Probation of Offenders (Amendment), IR 605, 2R 657, 728, IC 728, 3R 732
 Seeds, IR 436, 2R 579, IC 620, 3R 627
 Special Pensions, IR 656
 Trade Marks, IR 436, 2R 557, IC 617, 3R 625
 Trade and Supplies, IR 28, 2R 369, 431, 436, IC 605, 3R 658
(See also—Control of Imports and Exports)

Blundell, Mr. M., M.B.E.—

Sec—Minister for Agriculture, Animal Husbandry and Water Resources

Blunt, Mr. D. L., C.M.G.—

Sec—Minister for Forest Development, Game and Fisheries

Briggs, Group Captain L. R.—

(Member for Mount Kenya)

Central Legislative Assembly: Continuation of, 504-8
 Detention of Irreconcilable Terrorists, 179
 Exposition of Public Policy by H.E. the Governor, 74-81, 100, 105
 Hybrid Sorghum from U.S.A., 33
 Illegal Immigration into Kenya, 180, 182
 Inquiry into Subversive Activities, 712
 Non-return of "Irreconcilables" to Reserves, 603, 604
 Nyanza Statement by Minister for Community Development, 714
 Penal Code (Amendment) Bill, 618
 Separate Department for Roads Branch of P.W.D., 328, 331, 335

Catering Committee—

Appointment of, 46

Cavendish-Bentick, Major F. W.,

C.M.G., M.C.—

Sec—Speaker, The

Central Legislative Assembly—

Continuation of, 245

Chairman of Committee, The—

(Major F. W. Cavendish-Bentick, C.M.G., M.C.)

Cereals Finance Corporation Bill, 365, 366, 367
 Criminal Procedure Code (Amendment and Validation) Bill, 729
 Price Control Bill, 659, 671
 Reports, 368, 369
 Seeds Bill, 623
 Trade and Supplies Bill, 605, 606, 608, 611, 613, 614, 615, 616, 617

Chanan Singh, Mr.—

(Central Electoral Area)

African Women's Teacher Training College, 361
 Appalling Condition of Eastleigh Road, 25
 Asian Plots at Highridge, 651
 Asian Widows' and Orphans' Fund, 601
 Central Legislative Assembly: Continuation of, 508-10
 Cereals Finance Corporation Bill, 365
 Criminal Procedure Code (Amendment and Validation) Bill, 728, 731
 Documentation of Domestic Servants, 686-7
 Exposition of Public Policy by H.E. the Governor, 81-90
 Firearms' Licences, Europeans and Asians, 601
 Guarantee of Building Societies' Advances, 596
 Operation of Landlord and Tenant (Shops and Hotels) (Temporary Provisions) Ordinance, 604
 Penal Code (Amendment) Bill, 578, 579
 Pension Scheme for African Teachers, 483
 Price Control Bill, 567
 Promotions to Rank of Chief Inspector of Police, 649
 Tabling of Discriminatory Race Laws, 601
 Trade and Supplies Bill, 450-4

Chief Secretary, The—

(Mr. R. G. Turnbull, C.M.G.)

African District Councils (Amendment) (No. 2) Bill, 752
 African Representative Member, Northern Frontier District, 711
 Appointment of Catering Committee, 46
 Appointment of Committees, 24
 Appointment of Estimates Committee, 43, 46
 Appointment of Public Accounts Committee, 42, 43
 Appointment of Sessional Committee, 41
 Appointment of Deputy Speaker (Continuation from the Chair), 647
 Central Legislative Assembly: Continuation of, 245, 489-94, 509, 530-3
 Criminal Procedure Code (Amendment and Validation) Bill, 731
 Customs Tariff (Amendment) Bill, 633
 Exposition of Public Policy by H.E. the Governor, 307-14, 382-90, 400
 Illegal Immigration into Kenya, 180, 181, 182
 Inquiry into Subversive Activities, 713-4
 Maize and Sorghum (Imposition of Cess) (Amendment) Bill, 731
 Ministers' Passages for Overseas and Local Leave, 315
 Nyanza Statement by Minister for Community Development, 714-5
 Official Gazette in English and Swahili, 741-3
 Overseas Leave for Civil Servants, 705-9, 735
 Papers Laid, 647
 Selection of African Representative Member, 710
 Suspension of Business, 1
 Suspension of Standing Orders, 562, 646, 751
 Tabling of Discriminatory Race Laws, 601

Transfer of Powers (Minister for Agriculture, Animal Husbandry and Water Resources) (No. 1) Order, 1955, 51
 White Paper on Zanzibar Treaty, 603

Commerce and Industry—
 Trade and Supplies Bill, 28

Committees—

Appointment of—
 Catering, 46
 Estimates, 43
 Public Accounts, 42
 Select Committee to Consider Emoluments, 47
 Sessional Committee, 41
 Supply, 27
 Ways and Means, 28

Committee of the Whole Council—

African District Councils (Amendment) (No. 2) Bill, 751
 Bills in Committee—
 Cereals Finance Corporation, 364
 Cereals Finance Corporation (Reconsideration), 368
 Trade and Supplies, 605
 Maize and Sorghum (Imposition of Cess) (Amendment) Bill, 727
 Price Control Bill, 659

Communication from the Chair—

1, 646

Conroy, Mr. D. W., O.B.E., T.D.—

(Nominated Member)

African District Councils (Amendment) (No. 2) Bill, 752
 Appointment as Deputy Speaker and Chairman of Committees, 647
 Cereals Finance Corporation Bill, 365, 366, 367
 Criminal Procedure Code (Amendment and Validation) Bill, 732
 Crown Proceedings Legislation, 709
 Maize and Sorghum (Imposition of Cess) Bill, 732
 Price Control Bill, 570, 659-72
 Probation of Offenders (Amendment) Bill, 732
 Seeds Bill, 584, 585
 Trade and Supplies Bill, 606, 608, 609, 610, 612, 614, 615, 616, 617
 Transfer of Powers (Minister for Agriculture, Animal Husbandry and Water Resources) (No. 1) Order, 1955, 50

Cooke, Mr. S. V.—

(Member for Coast)

African President of North Nyanza District Council, 68
 African Representative Member, Northern Province, 711
 Appointment of Estimates Committee, 46
 Approach Roads, 246
 Criminal Procedure Code (Amendment and Validation) Bill, 718
 Design of European Settlement Board Building, 499
 Development Plan: Proposed Amendment, 549-52

Establishment of Roads Department, 29, 316-9, 334, 345
 Exposition of Public Policy by H.E. the Governor, 123, 135, 262-75, 306, 348, 413, 415, 421, 422, 423, 424, 425, 426
 Health Measures in new Villages, 129
 Inquiry into Subversive Activities, 714
 Ministers' Passages for Overseas and Local Leave, 315
 Nyanza Statement by Minister for Community Development, 714-5
 Promotion of African Policemen, 65
 Proposed White Paper on Cost of Living, 36
 Report on Working of African Courts, 382
 Trade and Supplies Bill, 431
 Transfer of Powers (Minister for Agriculture, Animal Husbandry and Water Resources) (No. 1) Order, 1955, 51

Cost of Living—

Proposed White Paper on, 36

Cowie, Col. M. H.—

(Nominated Member)
 Administration of Oath, 709

Crosskill, Mr. W. E.—

(Member for Mau)

Central Legislative Assembly: Continuation of, 317-20
 Desam of European Settlement Board Building, 500
 Exposition of Public Policy by H.E. the Governor, 278-9, 411, 41R, 420
 Reduction of Duty on Kerosene Oil, 182
 Seeds Bill, 583, 620, 621, 629
 Separate Department for Roads Branch of P.W.D., 329
 Trade and Supplies Bill, 454

Cusack, Mr. J. W., O.B.E.—

Sec—Minister for Internal Security and Defence

East African Industrial Licensing Ordinance, 1953—

Additions to First Schedule, 243

Emoluments of Members—

Appointment of Select Committee on, 47

Estimates Committee—

Appointment of, 43-6

European Minister without Portfolio—

(Mr. E. R. Macdonnell-Welwood)

Exposition of Public Policy by H.E. the Governor, 136-40

Finance—

Cereals Finance Corporation Bill, IR 28
 Concessions to Farming Community on Kerosene Oil Duty, 182

Gherke, Lt.-Col. S. G., O.B.E.—

(Member for Nairobi North)

Adoption of Report of Public Accounts Committee, 64
 Appointment of Estimates Committee, 43

- Appointment of Public Accounts Committee, 42
 Approach Roads to Parliament Buildings and Secretariat, 246
 Appropriation Statement and Revenue Accounts: African Affairs, 431
 Central Legislative Assembly: Continuation of, 52-4
 Cereals Finance Corporation Bill, 361
 Documentation of Domestic Servants, 681-3
 Exposition of Public Policy by H.E. the Governor, 207-14
 Land Confections and Refunds to Lessees, 652-4
 Paper Laid, 64
 Proposed White Paper on Cost of Living, 36
 Protective Tariff on Imported Glass Bottles, 748
 Report of Public Accounts Committee for 1954 (I), 460-4, 467-9
 Transfer of Powers (Minister for Agriculture, Animal Husbandry and Water Resources) (No. 1) Order, 1955, 51
 Trade Marks Bill, 559
- Gikonyo, Mr. M.—**
 (African Representative Member)
 African District Councils (Amendment) (No. 2) Bill, 725
 African Women's Teacher Training Colleges, 360-1
 Documentation of Domestic Servants, 683-6, 690-1
 Exposition of Public Policy by H.E. the Governor, 142-7
 Guarantee of Building Societies Advances, 595
 Health Measures in new Villages, 129
- Griffith-Jones, Mr. E. N., Q.C.—**
 See—Minister for Legal Affairs
- Hamley, Capt. C. W. A. G., O.B.E., R.N. (Retd.)—**
 (Nominated Member)
 Exposition of Public Policy by H.E. the Governor, 241-4
 Price Control Bill, 667
- Harris, Mr. N. F.—**
 (Member for Nairobi South)
 Appalling Condition of Eastleigh Roads, 35, 36
 Appointment of Deputy Speaker and Chairman of Committees (Communication from the Chair), 647
 Appointment of Estimates Committee, 45
 Appointment of Select Committee to Consider Emoluments of Members, 26, 47, 48
 Call-up Statistics: Number left Colony, 649
 Central Legislative Assembly: Continuation of, 494-9, 500-4, 511
 Cereals Finance Corporation Bill, 38-40, 364, 365, 366, 367, 368
 Criminal Procedure Code (Amendment and Validation) Bill, 729
 Exposition of Public Policy by H.E. the Governor, 390-401, 602
 Kisumu/Kiboswa Road, Macadamizing, 654
 Land Confections and Refunds to Lessees, 653
- Lidbury Proposals: Practical Application of, 648
 Non-return of "Irreconcilables" to Resign, 603
 Official Gazette in English and Swahili, 740
 Protective Tariff on Imported Glass Bottles, 648, 745-48, 750
 Trade and Supplies Bill, 372-81, 431, 436-9, 444, 607
 Transfer of Powers (Minister for Agriculture, Animal Husbandry and Water Resources) (No. 1) Order, 1955, 49
 Transfer of Powers (Minister for Internal Security and Defence) (No. 1) and (No. 2) Orders, 1955, 62
- Hassan, Dr. S. G., M.B.E.—**
 (East Electoral Area)
 Central Legislative Assembly: Continuation of, 520-1
 Exposition of Public Policy by H.E. the Governor, 119-25
- Havelock, Mr. W. B.—**
 See—Minister for Local Government, Health and Housing
- Health—**
 Disposal of Night Soil in Central Province's new Villages, 127
- His Excellency the Governor—**
 (Sir Evelyn Baring, G.C.M.G., K.C.V.O.)
 Communication from the Chair, 1-23
- Hope-Jones, Mr. A.—**
 See—Minister for Commerce and Industry
- Hopkins, Mr. J. G. H., O.B.E.—**
 (Nominated Member)
 Exposition of Public Policy by H.E. the Governor, 72-4
- Industry—**
 East African Industrial Licensing Ordinance, 1953, 245
- Jeremiah, Mr. J.—**
 See—Parliamentary Secretary to Minister for Local Government, Health and Housing
- Karve, Dr. S. D., O.B.E., M.B., B.S.—**
 (Nominated Member)
 Exposition of Public Policy by H.E. the Governor, 69-72, 429
 Recording of Thanks to H.E. the Governor, 27
- Land Titles—**
 Bahati and Makadara: Security of Tenure, 65
- Legal—**
 East African Industrial Licensing Ordinance, 1953, 245
 Executive and Judicial Functions Combined in one Officer, 183
 Illegal Immigration into Kenya, 180
 Legislation for Detention of Irreconcilable Terrorists, 179

- Letcher, Mr. R. C. J.—**
 (Member for Trans Nzoia)
 Exposition of Public Policy by H.E. the Governor, 135
- Local Government—**
 District Council, North Nyanza: Question of Appointing African President, 66
 Eviction of Tenants (Control) (Amendment) Bill, IR 28
 Holmes Report on Working of African Courts, 382
- Luyt, Mr. R. E.—**
 (Nominated Member)
 Administration of Oath, 646
- McCull, Lt.-Col. F. J., C.B.E., M.C., M.R.C.V.S.—**
 (Member for Trans Nzoia, Acting)
 Immature Slaughter of Kimali, 498
- Mackawi, Sheikh Mahfoud S.—**
 (Arab Elected Member)
 Exposition of Public Policy by H.E. the Governor, 141, 227
 White Paper on Zanzibar Treaty, 603
- Mackenzie, Mr. K. W. S.—**
 (Nominated Member)
 Customs Tariff (Amendment) Bill, 586-7, 589, 627
 Exposition of Public Policy by H.E. the Governor, 98-105
 Pension Scheme for African Teachers, 481-3
 Report of Public Accounts Committee for 1954 (I), 465-8
 Separate Department for Roads Branch of P.W.D., 322-8
- Macoonochie-Welwood, Mr. L. R.—**
 See—European Minister without Portfolio
- Madan, Mr. C. B.—**
 See—Parliamentary Secretary to Minister for Commerce and Industry
- Maddison, Mr. V. A.—**
 (Nominated Member)
 Trade and Supplies Bill, 28
- Marikissa, Sir Charles, Bt.—**
 (Member for Ukamba)
 Captured Terrorist Prosecutions, 413, 434
 Criminal Procedure Code (Amendment and Validation) Bill, 730, 731
 Development Plan: Proposed Amendment, 552
 Documentation of Domestic Servants, 678-81, 685
 Exposition of Public Policy by H.E. the Governor, 105-111
 Illegal Immigration into Kenya, 180, 181
 Penal Code (Amendment) Bill, 618
 Policy Concerning Capture or Surrendered Terrorists, 497, 628-31, 646
 Price Control Bill, 560-70, 661, 667, 668
 Purchase of Katumani Farm—Experimental Station, 711, 712
- Separate Department for Roads Branch of P.W.D., 341-2, 344
- Madan, Mr. E. W.—**
 (African Representative Member)
 African: President of North Nyanza District Council, 66, 69, 599, 698
 Appalling Condition of Eastleigh Roads, 35
 Central Legislative Assembly: Continuation of, 510-15
 Detention of Irreconcilable Terrorists, 180
 Design of European Settlement Board Building, 499
 Development Plan: Proposed Amendment, 553
 Executive and Judicial Functions in one Officer, 183, 184
 Exposition of Public Policy by H.E. the Governor, 90-98, 115, 204, 261, 394
 Health Measures in new Villages, 127
 Illegal Immigration into Kenya, 181, 182
 Mombasa Land Allocations (Seasonal) Paper No. 97, 655
 Pension Scheme for African Teachers, 476-81
 Promotion of African Policemen, 64, 65
 Report on Working of African Courts, 382
 Separate Department for Roads Branch of P.W.D., 333, 336-40, 343
 Spirituous Liquor Discriminatory Law, 602
 Titles of Buildings in Makadara and Bahati, 65
 Transfer of Powers (Minister for Agriculture, Animal Husbandry and Water Resources) (No. 2) Order, 1955, 54
- Man Mau—**
 Legislation for Detention of Irreconcilable Terrorists, 179
- Ministers—**
 Overseas and Local Leave Passages, 315
- Ministry for African Affairs—**
 (Mr. E. H. Windley, C.M.G.)
 Appropriation Statement and Revenue Accounts: African Affairs, 315, 429, 431
 Car Allowances for Chiefs, 600
 Executive and Judicial Functions in one Officer, 183
 Exposition of Public Policy by H.E. the Governor, 111-19
 Report on Working of African Courts, 392
- Minister for Agriculture, Animal Husbandry and Water Resources—**
 (Mr. M. Bhandal, M.B.E.)
 Agriculture Appeals Tribunal, 650
 Cereal Crops in Troubled Areas, 31, 32
 Consideration of Reports on Bills Assented in Committee of the Whole Council, 627
 Design of European Settlement Board Building, 499, 500
 Documentation of Domestic Servants, 680
 Exposition of Public Policy by H.E. the Governor, 123, 255-62, 391
 Hybrid Sorghum from U.S.A., 33
 Immature Slaughter of Kimali, 498
 Maize and Sorghum (Amendment of Cereals) (Amendment) Bill, 727, 754
 Papers Laid, 127, 648
 Purchase of Katumani Farm—Experimental Station, 712

Seeds Bill, 626, 627
 Separate Department for Roads Branch of P.W.D., 329
 Thomson's Falls Wheel Store, 651
 Transfer of Powers (Minister for Agriculture, Animal Husbandry and Water Resources) (No. 1) Order, 1955, 26, 49, 51
 Transfer of Powers (Minister for Agriculture, Animal Husbandry and Water Resources) (No. 2) Order, 1955, 26, 53, 55

Minister for Commerce and Industry— (Mr. A. Hope-Jones)

Adjournment of Council, 432
 Control of Imports and Exports Bill (previously described as Trade and Supplies Bill), 624, 625, 658
 East African Industrial Licensing Ordinance, 1955; Amendment to Schedule, 245, 488
 Exposition of Public Policy by H.E. the Governor, 214-19, 426
 Operation of Landlord and Tenant (Shops and Hotels) (Temporary Provisions) Ordinance, 604
 Paper Laid, 433
 Protective Tariff on Imported Glass Bottles, 748
 Suspension of Standing Orders, 431
 Trade Marks Bill, 557-9, 625
 Trade and Supplies Bill (See also—Control of Imports and Exports Bill), 369-72, 374, 431, 451, 454-9, 605, 607

Minister for Community Development— (Mr. B. A. Ohanga)

Criminal Procedure Code (Amendment and Validation), 719
 Exposition of Public Policy by H.E. the Governor, 296-307
 Probation of Offenders (Amendment) Bill, 657, 732

Minister for Education, Labour and Lands— (Mr. J. J. Adie)

Asian Plots at Highridge, 651
 Documentation of Domestic Servants, 691-6
 Exposition of Public Policy by H.E. the Governor, 430-35
 Land Confiscations and Refunds to Lessees, 653-3, 654
 Paper Laid, 24
 Pension Scheme for African Teachers, 474-6
 Transfer of Powers (Minister for Education, Labour and Lands) (No. 1) and (No. 2) Orders, 1955-29, 362-3

Minister for Finance and Development— (Mr. E. A. Vasey, C.M.G.)

Appointment of Estimates Committee, 44
 Appointment of Public Accounts Committee, 42
 Appointment of Select Committee to Consider Emoluments of Members, 47
 Appointment of Committee of Supply, 27
 Appointment of Committee of Ways and Means, 28
 Asian Widows' and Orphans' Fund, 601
 Cereals Finance Corporation Bill, 28, 37, 40, 165, 367, 368, 349
 Development Plan: Proposed Amendment (Sessional Paper No. 97), 27, 533-49, 556-7

Exposition of Public Policy by H.E. the Governor, 190, 191, 232, 234, 264, 401-29
 Papers Laid, 23, 433, 562, 647
 Personal Statement, 435
 Price Control Bill, 560-1, 562-5, 571-3, 574, 672
 Proposed White Paper on Cost of Living, 37
 Reduction of Duty on Kerosene Oil, 112
 Separate Department for Roads Branch of P.W.D., 330-3
 Special Pensions Bill, 656

Minister for Forest Development, Game and Fisheries— (Mr. D. L. Blunt, C.M.G.)

Development Plan: Proposed Amendment (Sessional Paper No. 97), 554-5
 Exposition of Public Policy by H.E. the Governor, 250-5
 Papers Laid, 24, 29, 648
 Transfer of Powers (Minister for Forest Development, Game and Fisheries) Order, 1955, 31, 363

Minister for Internal Security and Defence— (Mr. J. W. Casack, O.B.E.)

Call-up Statistics: Number Left Colony, 650
 Exposition of Public Policy by H.E. the Governor, 194-6
 Firearms' Licences, Europeans and Asians, 602
 Papers Laid, 24, 599
 Promotion of African Policemen, 64, 65
 Promotions to Rank of Chief Inspector of Police, 649
 Transfer of Powers (Minister for Internal Security and Defence) (No. 1) and (No. 2) Orders, 1955, 27, 56-61, 63

Minister for Legal Affairs— (Mr. E. N. Griffith-Jones, Q.C.)

Captured Terrorist Prosecutions, 433, 434
 Criminal Procedure Code (Amendment and Validation) Bill, 715-20, 728-31, 732, 733
 Detention of Irreconcilable Terrorists, 479, 180
 Documentation of Domestic Servants, 696
 Exposition of Public Policy by H.E. the Governor, 201-7
 Non-return of 'Irreconcilables' to Reserve, 603, 604
 Penal Code (Amendment) Bill, 575-7, 578-9, 618, 619, 626
 Policy Concerning Captured or Surrendered Terrorists, 626-45
 Suspension of Standing Orders, 655
 Trade and Supplies Bill, 439-47

Minister for Local Government, Health and Housing— (Mr. W. B. Havelock)

African District Councils (Amendment) (No. 2) Order, 656, 721-4, 726
 African President of North Nyanza District Council, 66, 68, 69
 Appalling Condition of Eastleigh Road, 34, 35, 36
 Appointment of Select Committee to Consider Emoluments of Members, 48

Development Plan: Proposed Amendment (Sessional Paper No. 97), 531, 555-6
 Election of Elgon Nyanza African District Councilors, 710
 Exposition of Public Policy by H.E. the Governor, 94, 275-96
 Guarantee of Building Societies Advances, 497, 590-3, 596-8
 Health Measures in New Villages, 127-9
 Mombasa Land Allocations (Sessional Paper No. 97), 655
 Papers Laid, 24, 497, 648
 Separate Department for Roads Branch of P.W.D., 332-5
 Titles of Buildings in Makadara and Bahati, 65, 66

Minister without Portfolio, Asian— See—Asian Minister without Portfolio

Minister without Portfolio, European— See—European Minister without Portfolio

Minister for Works— (Mr. I. E. Nathoo)

Approach Roads to Parliament Buildings and Secretariat, 246
 Exposition of Public Policy by H.E. the Governor, 226-8
 Kiambu/Kiboswa Road, Macadamizing, 654

Mol, Mr. D. T. urap— (African Representative Member)

Documentation of Domestic Servants, 686
 Exposition of Public Policy by H.E. the Governor, 192-4, 386
 Guarantee of Building Societies' Advances, 596
 Official Gazette in English and Swahili, 738-9

Motions

Adjournment of Council, 432
 African Women's Teacher Training College, (NoM) 127, 348
 Appointment of Committees, (NoM) 24
 Appointment of Catering Committee, 45
 Appointment of Committee of Supply, 27
 Appointment of Committee of Ways and Means, 28
 Appointment of Estimates Committee, 43
 Appointment of Public Accounts Committee, 42
 Appointment of Select Committee to Consider Emoluments, (NoM) 26, 47
 Appointment of Sessional Committee, 41
 Appropriation of Statement and Revenue Accounts: African Affairs, (NoM) 315, 429
 Central Legislative Assembly: Continuation of, (NoM) 245, 489, 500
 Development Plan: Proposed Amendment (Sessional Paper No. 97), (NoM) 27, 533
 Documentation of Domestic Servants, (NoM) 399, 473
 East African Industrial Licensing Ordinance, 1955: Amendment to Schedule, (NoM) 245, 489
 Establishment of Roads Department, (NoM) 29, 316
 Exposition of Public Policy by H.E. the Governor, 69, 130, 184, 382

Guarantee of Building Societies Advances, (NoM) 497, 590
 Library Proposals: Practical Application of, (NoM) 648
 Official Gazette in English and Swahili, (NoM) 600, 735
 Overseas Leave for Civil Servants, (NoM) 599, 698, 733
 Pension Scheme for African Teachers, (NoM) 29, 469
 Policy Concerning Captured or Surrendered Terrorists, (NoM) 497, 628
 Recording of Thanks to H.E. the Governor, (NoM) 27
 Report of Public Accounts Committee for 1954 (I), (NoM) 64, 460
 Suspension of Business, 1
 Suspension of Standing Orders, 431, 562, 646, 655, 751
 Protective Tariff on Imported Glass Bottles, (NoM) 648, 745
 Transfer of Powers (Minister for Agriculture, Animal Husbandry and Water Resources) (No. 1) Order, 1955, (NoM) 26, 49
 Transfer of Powers (Minister for Agriculture, Animal Husbandry and Water Resources) (No. 2) Order, 1955, (NoM) 26, 53
 Transfer of Powers (Minister for Internal Security and Defence) (No. 1) and (No. 2) Orders, 1955, (NoM) 27, 56
 Transfer of Powers (Minister for Education, Labour and Lands) (No. 1) and (No. 2) Orders, 1955, (NoM) 29, 362
 Transfer of Powers (Minister for Forest Development, Game and Fisheries) Order, 1955, (NoM) 31, 363

Nathoo, Mr. I. E.— See—Minister for Works

Ohanga, Mr. B. A.— See—Minister for Community Development

Papers Laid

E.A.H.C. East African Leprosy Research Centre: Annual Report, 1954/55, 647
 E.A.H.C. East African Railways and Harbours Draft Estimates of Revenue and Expenditure, 1956 and 1955 (Revised), 647
 E.A.H.C. East African Virus Research Institute: Report, January 1954 to June 1955, 647

(BY THE CHIEF SECRETARY)

Sessional Paper No. 97 of 1955—Progress Report on the Three-and-a-half-year Development Plan, 23
 The Statement of Account of Emergency Expenditure for the Period October 1952 to June 1955, 433
 Investigation into an East African Savings Scheme, 562
 Report of the Income Tax Committee, Kenya, 562
 Sessional Paper No. 6 of 1955: Report of the Income Tax Committee, Kenya, 562
 Statement of Account of Emergency Expenditure, October 1952 to September 1955, 647

(BY THE MINISTER FOR FINANCE AND DEVELOPMENT)

Department of Veterinary Services Annual Report, 1954, 127
Cotton Lint and Seed Marketing (Buyers Licences and Fees) Regulations, 1955, 647
European Agricultural Settlements Board Accounts for the Year Ended 31st March, 1955, 648

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

Transfer of Powers (Minister for Internal Security and Defence) (No. 1) Order, 1955, 24

Transfer of Powers (Minister for Internal Security and Defence) (No. 2) Order, 1955, 24

Report on the Treatment of Offenders for the Year 1954, 599

(BY THE MINISTER FOR INTERNAL SECURITY AND DEFENCE)

Central Housing Board Reports and Accounts, 1953 and 1954, 24

Seasonal Paper No. 13/55: Guarantee of Excess of Loans made by Building Societies for House Purchase, 497
Medical Department Annual Report, 1955, 648

(BY THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING)

Road Transport Wages Council (Establishment) (Amendment) Order, 1955, 24

Transfer of Powers (Minister for Education, Labour and Lands) (No. 1) Order, 1955, 24

Transfer of Powers (Minister for Education, Labour and Lands) (No. 2) Order, 1955, 24

The Education (Fees in Government African Schools) Rules, 1955, 709

(BY THE MINISTER FOR EDUCATION, LABOUR AND LANDS)

Transfer of Powers (Minister for Forest Development, Game and Fisheries) Order, 1955, 24

Royal National Parks of Kenya Report, 1954, 29

Game Department Annual Report, 1953/54, 648

(BY THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES)

The Annual Report, 1954, of the Central Rent Control Board and Coast Rent Control Board, 413

(BY THE MINISTER FOR COMMERCE AND INDUSTRY)

Report of the Public Accounts Committee on the Colony's Accounts for the Half-year Ended 30th June, 1954, 64

(BY LT.-COL. THE HON. S. G. GHEARIE, O.B.E.)

Parliamentary Secretary to Minister for Commerce and Industry—
(Mr. C. B. Madan)

Trade and Supplies Bill, 372

Parliamentary Secretary to Minister for Local Government, Health and Housing—

(Mr. J. Jeremiah)

African District Councils (Amendment) (No. 2) Bill, 724, 751, 753

Patel, Mr. A. B., C.M.G.—
See—Asian Minister without Portfolio

Patel, Mr. J. S.—
(Western Electoral Area)

Exposition of Public Policy by H.E. the Governor, 147-152

Pensions—

African Teachers' Contributory Fund, 29

Personal Statement by—

The Minister for Finance and Development, 435

Pirbhai, Sir Eboo, O.B.E.—
(Nominated Member)

Appalling Condition of Eastleigh Roads, 33

Police—

Promotion of Africans to Rank of Assistant Superintendent, 64

Procedure—

In Consideration of Reports on Bills Amended in Committee of the Whole Council, 627

Proclamation—

1

Public Accounts Committee—

Adoption of Report of, 64

Appointment of, 47

Public Policy—

Debate on Exposition of, by H.E. the Governor, 69, 130, 184, 247, 382

Questions, Oral Answers—

No. 1 Immature Slaughter of Kintu Stock, 498

3 Cereal Crops in Troubled Areas, 31

4 Report on Working of African Courts, 382

5 Executive and Judicial Functions in Same Office, 183

7 Promotion of African Policemen, 64

8 Titles of Buildings in Makadara and Bahati, 65

9 African President of North Nyanza District Council, 65

10 Health Measures in new Villages, 127

11 Detection of Irreconcilable Terrorists, 179

12 Hybrid Sorghum from U.S.A., 33

13 Appalling Condition of Eastleigh Roads, 33

15 Captured Terrorist Prosecutions, 433

16 Proposed White Paper on Cost of Living, 36

No. 17 Illegal Immigration into Kenya, 180

19 Reduction of Duty on Kerosene Oil, 182

20 Inquiry into Subversive Activities, 712

21 Ministers' Passages for Overseas and Local Leave, 315

22 Design of European Settlement Board Building, 499

23 Approach Roads to Parliament Buildings and Secretariat, 246

24 White Paper on Zanzibar Treaty, 603

25 Car Allowances for Chiefs, 600

26 Tabling of Discriminatory Race Laws, 601

27 Asian Widows' and Orphans' Fund, 601

28 Firearms Licences, Europeans and Asians, 601

29 Non-return of "Irreconcilables" to Reserves, 603

30 Minister for Community Development's Nyanza Statement, 714

32 Promotions to Rank of Chief Inspector of Police, 649

32 Operation of Landlord and Tenant (Shops and Hotels) (Temporary Provisions) Ordinance, 604

33 Spirituous Liquor Discriminatory Law, 602

34 Call-up Statistics: Number left Colony, 649

35 Agriculture Appeals Tribunal, 650

36 Thomson's Falls Wheat Store, 650

37 Asian Flots at Highridge, 651

39 Land Concessions and Refunds to Lessees, 652

40 Crown Proceedings Legislation, 709

43 Kisumu/Kiboswa Road Macadamizing, 654

44 Selection of African Representative Member, 710

46 Election of Elgon Nyanza African District Councillors, 710

47 African Representative Member—Northern Frontier District, 711

49 Purchase of Kariakara Farm Experimental Station, 711

50 Mombasa Land Allocations (Seasonal Paper No. 97), 655

Questions, Written Answers—

No. 38 Empty Berth Days at Mombasa, 755

51 Machakos African Seal, 756

Reports—

African District Councils (Amendment) (No. 2) Bill, 752

Cereals Finance Corporation Bill, 368, 369

Control of Imports and Exports Bill (previously described as Trade and Supplies Bill), 624

Criminal Procedure Code (Amendment and Validation) Bill, 732

Customs Tariff (Amendment) Bill, 627

Maize and Sorghum (Imposition of Cess) (Amendment) Bill, 753, 754

Penal Code (Amendment) Bill, 625

Price Control Bill, 627

Probation of Offenders (Amendment) Bill, 732

Seeds Bill, 626

Trade Marks Bill, 625

Riddock, Mr. J. L., O.B.E.—
(Nominated Member)

Exposition of Public Policy by H.E. the Governor, 247-50

Report of Public Accounts Committee for 1954 (i), 464

Roads—

Approach Roads to Parliament Buildings and Secretariat, 246

Eastleigh Area Roads, Condition of, 33

Establishment of Separate Department, 314

Roddan, Mr. G. M.—
(Nominated Member)

Central Legislative Assembly: Continuation of, 524

Maize and Sorghum (Imposition of Cess) (Amendment) Bill, 656

Select Committee—

Appointment of to Consider Emoluments of Members, 47

Seasonal Committee—

Appointment of, 41

Shaw, Mrs. A. R.—
(Member for Nyanza)

African Women's Teacher Training Colleges, 360

Central Legislative Assembly: Continuation of, 525

Documentation of Domestic Servants, 599, 672-4, 696-8

Exposition of Public Policy by H.E. the Governor, 161-6

Seeds Bill, 581-5, 585, 623

Separate Department for Roads Branch of P.W.D., 319-22, 333

Stade, Mr. H.—
(Member for Abernethy)

African Women's Teacher Training Colleges, 360

Agriculture Appeals Tribunal, 650

Appointment of Estimates Committee, 45

Central Legislative Assembly: Continuation of, 526-9

Cereal Crops in Troubled Areas, 31, 32

Criminal Procedure Code (Amendment and Validation) Bill, 719

Crown Proceedings Legislation, 709

Customs Tariff (Amendment) Bill, 588, 624

Detection of Irreconcilable Terrorists, 677-80

Documentation of Domestic Servants, 677-80

Exposition of Public Policy by H.E. the Governor, 169-78, 184-9, 190-205

Guarantee of Building Societies' Advances, 594

Nyanza Statement by Minister for Community Development, 715

Overseas Leave for Civil Servants, 702-4

Policy Committee: Captured or Surrendered Terrorists, 631-6

Price Control Bill, 546-9, 572, 662, 690

Proposed White Paper on Cost of Living, 36

Seeds Bill, 584

Thomson's Falls Wheat Store, 650

Trade and Supplies Bill, 447-50, 605, 613, 615, 616

Transfer of Powers (Minister for Agriculture, Animal Husbandry and Water Resources) (No. 1) Order, 1955, 31

Transfer of Powers (Minister for Agriculture, Animal Husbandry and Water Resources) (No. 2) Order, 1955, 34

Transfer of Powers (Minister for Internal Security and Defence) (No. 1) and (No. 2) Orders, 1955, 61, 62

Speaker, The—
(Major F. W. Cavendish-Bentick, C.M.G., M.C.)

Adjournment—
Daily, 28, 63, 126, 178, 244, 314, 381, 432, 496, 561, 598, 646, 708
Sine die, 754

African District Councils (Amendment) (No. 2) Bill, 626

African President of North Nyanza District Council, 698

Communication from the Chair: Appointment of Deputy Speaker and Chairman of Committee, 646

Control of Imports and Exports Bill (provisionally described as Trade and Supplies Bill), 634, 635

Criminal Procedure Code (Amendment and Validation) Bill, 720, 732

Customs Tariff (Amendment) Bill, 627

Documentation of Domestic Servants, 672, 678, 691, 696

Ejection of Tenants (Control) (Amendment) Bill, 28

Kisumu Kibowas Road, Macadamizing, 655

Official Gazette in English and Swahili, 741, 743

Overseas Leave for Civil Servants, 733

Penal Code (Amendment) Bill, 625, 626

Pension Scheme for African Teachers, 476

Price Control Bill, 659, 672

Protective Tariff on Imported Glass Bottles, 750

Seeds Bill, 626

Separate Department for Roads Branch of P.W.D., 348

Suspension of Standing Orders, 431

Trade Marks Bill, 625

Trade and Supplies Bill (See also Control of Imports and Exports Bill), 459

Transfer of Powers (Minister for Internal Security and Defence) (No. 1) and (No. 2) Orders, 1955, 62, 63

Speaker, The, Rulings of—

Customary to allow great latitude in debating Governor's Speech, 190, 191, 192

Government must have reasonable notice in which to prepare a reply, 562

House of Commons Procedure, 574

Member(s)—
can only interrupt another Member to explain what he has already said, 418
has not given way, 428
is in order, 428
interjections to be left to discretion of Speaker, 426
has right to reply to a formal Motion, 429
interrupt to suspend business, 463
must not embark on new and additional argument, 469

should develop his argument, 337

is wandering away from terms of Resolution, 530

can only explain what he himself has said, 573, 574

may rise on a point of explanation; 585

to rise more quickly; 511

to put amendment in writing, 62

not present, to his speech must be considered concluded, 150

can only ask questions; 184

to address the Chair, 306

No answer to a completely different subject, 247

Order, order—
Hon. Minister has already replied, 46

Irrelevant Interjection, 393

Procedure in putting Bills to Committee of whole Council, 627

Questions across Floor of Council not allowed, 573

Transfer of Powers—

Minister for Agriculture, Animal Husbandry and Water Resources (No. 1) Order, 1955, 49

Minister for Agriculture, Animal Husbandry and Water Resources (No. 2) Order, 1955, 53

Minister for Education, Labour and Lands (No. 1) Order, 1955, 362

Minister for Forest Development, Game and Fisheries, Order, 1955, 363

Minister for Internal Security and Defence (No. 1) and (No. 2) Orders, 1955, 56

Turnbull, Mr. R. G., C.M.G.—

See—Chief Secretary, The

Tyson, Mr. G. A., C.M.G.—

(Nominated Member)

Central Legislative Assembly: Continuation of, 521

Criminal Procedure Code (Amendment and Validation) Bill, 728-30

Customs Tariff (Amendment) Bill, 588

Exposition of Public Policy by H.E. the Governor, 197-201

Guarantee of Building Societies' Advances, 594

Land Concessions and Roads to Lessee, 653

Protective Tariff on Imported Glass Bottles, 750

Usher, Mr. C. G., M.C.—

(Member for Mombasa)

African Women's Teacher Training Colleges, 351-3

Central Legislative Assembly: Continuation of, 515-7

Customs Tariff (Amendment) Bill, 587

Exposition of Public Policy by H.E. the Governor, 220-6

Guarantee of Building Societies' Advances, 595

Official Gazette in English and Swahili, 739

Overseas Leave for Civil Servants, 599, 696-702, 733, 735

Price Control Bill, 565-7, 573

Separate Department for Roads Branch of P.W.D., 337

Vasey, Mr. E. A., C.M.G.—

See—Minister for Finance and Development

Wadley, Mr. W. J. D.—

(Nominated Member)

African Women's Teacher Training Colleges, 353-60

Contributory Pension Fund for African Teachers, 29

Exposition of Public Policy by H.E. the Governor, 152-61

Pension Scheme for African Teachers, 469-74, 484-8

Walker, Dr. A. J., M.D.—

(Nominated Member)

Exposition of Public Policy by H.E. the Governor, 166-9

Windley, Mr. E. H., C.M.G.—

See—Minister for African Affairs

Works—

Approach Roads to Parliament Buildings and Secretariat, 246

Eastleigh Road, Condition of, 33

Roads Department, Establishment of, 316

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