

7TH SESSION (1959)



WESTERN REGION OF NIGERIA

HOUSE OF ASSEMBLY DEBATES

OFFICIAL REPORT



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Western House of Assembly, Ibadan

Western House of Assembly

His Excellency the Governor—Sir John Rankine.

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 The Minister of Finance—The Honourable Chief J. A. O. Odebiyi, M.H.A.
 The Minister of Health and Social Welfare—The Honourable J. O. Adigun, M.H.A.
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 The Minister of Home Affairs and Midwest Affairs—The Honourable Chief A. Enahoro, M.H.A.
 The Minister of Justice and Attorney-General—The Honourable Chief F. R. A. Williams, M.H.C.
 The Minister of Local Government—The Honourable Alhaji D. S. Adegbenro, M.H.A.
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 Minister without portfolio—The Honourable Akenzua II, The Oba of Benin, M.H.C.

MEMBERS

(Arranged in Alphabetical Order)

1. Abioro, Mr Y. B.	Egbado West
2. Adalemo, Mr A. A. A.	Egba South
3. Adedeji, Mr A. O.	Ibadan West
4. Adedoyin, Mr A.	Remo South
5. Adegbenro, Hon. D. S.	Egba West
6. Adekeye, Chief A.	Ondo North-West
7. Ademiluyi, Mr D. A.	Ife Central
8. Adeniran, Mr J. A.	Ife South-West
9. Adesokan, Mr A. O.	Ibadan South-West
10. Adeyemi, Mr G. B.	Ekiti South
11. Adeyi, Hon. A. O.	Oyo South
12. Adigun, Hon. J. O.	Oshun North
13. Adisa, Mr A.	Ibadan South
14. Afolabi, Chief P. A.	Oyo East
15. Agbaje, Mr A. M. F.	Ibadan North-West
16. Akerele, Mr S. O.	Ife North
17. Akingboye, Mr A. O.	Okitipupa South
18. Akran, Hon. C. D.	Badagry West
19. Amadasun, Mr V. I.	Benin Central
20. Ariworiyai, Mr J. M.	Western Ijaw North
21. Aruwajoye, Mr S. B.	Owo West
22. Atolagbe, Mr D.	Ekiti North
23. Awolowo, Hon. O.	Remo North
24. Babatola, Mr J. E.	Ekiti Central
25. Bamiro, Mr E. O. J.	Ijebu North
26. Bello, Mr B.	Oyo Central
27. Bello, Mr L. Ade.	Ibadan Central
28. Deko, Hon. G. A.	Ondo East
29. Edewor, Mr M. J. O.	Urhobo West
30. Edukugho, Chief R. D.	Warri East
31. Enahoro, Hon. A.	Ishan East

Western House of Assembly Debates

MEMBERS—contd.

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33. Fadahunsi, Mr J. O.	Ilesha South-West
34. Fadayiro, Chief E. A. A.	Egbado East
35. Fadase, Mr D. A.	Ondo Central
36. Fakayode, Mr E. O.	Ibadan East
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64. Otobo, Mr J. E.	Urhobo East
65. Oviasu, Mr G. I.	Benin East
66. Oyalowo, Mr F. A.	Egba Central
67. Oyaniyun, Mr S. A.	Oshun Central
68. Oye, Mr J. O.	Afenmai North
69. Oyewale, Mr D. A.	Oshun West
70. Ozeke, Mr H. O.	Western Ijaw South
71. Salami, Mr S. L.	Ibadan North East
72. Shobola, Mr J. A. O.	Egba East
73. Shogbein, Mr S. O.	Egba North
74. Tabiowo, Mr P. K.	Urhobo Central
75. Tifase, Chief J. L.	Ondo North
76. Tinubu, Chief S. A.	Oshun North East
77. Utomi, Mr F. H.	Asaba South
78. Uwaifo, Mr H. O.	Benin West
79. Williams, Mr C. A.	Epe East

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The Minister of Lands and Labour	Member
The Minister of Agriculture and Natural Resources	Member
The Minister of Health and Social Welfare	Member
Alhaji S. O. Gbadamosi	Member
Chief R. Edukugho	Member
Mr J. O. Fadahunsi	Member

Western House of Assembly Debates

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Mr C. A. Williams	Member
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Mr A. K. Onwude	Member
Mr A. B. Bello	Member
Mr D. Fadase	Member

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Alhaji S. O. Gbadamosi	Chairman
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Mr D. Atolagbe	Member
Mr D. Oyewale	Member
Mr S. Onasanya	Member
Mr J. L. Adeniran	Member
Mr P. K. Tabiowo	...	...	...	...	...	...	...	Member
Mr V. I. Amadasun	...	...	...	...	...	...	...	Member
Mr A. O. Adesokan	...	...	...	...	...	...	...	Member
Mr Y. B. Abioro	...	...	...	...	...	...	...	Member
Mr J. M. Ariworiyai	...	...	...	...	...	...	...	Member

SPEAKER OF THE HOUSE

A. Adedoyin, Esq.

DEPUTY SPEAKER OF THE HOUSE

Chief R. D. Edukugho

OFFICERS OF THE HOUSE

Mr J. M. Akinola	...	...	...	...	Acting Clerk to the Regional Legislature
Mr E. Akin-Williams	...	...	...	...	Second Clerk to the Regional Legislature
Miss M. Aig-Imoukhuede	...	...	...	...	Hansard Editor
Mr J. A. Darlington	...	...	...	...	First Serjeant-at-Arms
Mr R. S. A. Akinrinmade	...	...	...	...	Second Serjeant-at-Arms

WESTERN HOUSE OF ASSEMBLY

TUESDAY, 3RD NOVEMBER, 1959

(The House met at 10.15 a.m.)

PRAYERS

(Mr Speaker in the Chair)

OATH OF ALLEGIANCE

The following new Member took and subscribed to the Oath of Allegiance:

Mr Lawrence Ibukun—Member for Owo Central.

ANNOUNCEMENT

Mr Speaker: I have to inform this honourable House that Mr Samuel O. Ogundipe, Member for Oshun North-West resigned his membership of this House on Monday the 2nd of October, 1959.

BUSINESS OF THE HOUSE

The Minister of Home Affairs and Mid-west Affairs (Chief A. Enahoro): Mr Speaker Sir, the business for this meeting of the House is as stated on the Order Paper for today. We hope to take all stages of the Administration of Justice Bill, the Sports Council Bill and the Pilgrims Welfare Board Bill, today. As hon. Members are aware, there are three private Members' Motions. Owing to the fact that the House started sitting on a Tuesday and public business is taking up some of the time which should be allocated to Private Members' Motions, for that reason, Sir, we are not taking any public business tomorrow apart from the Supplementary Appropriation (No. 2) Bill, and we should use the rest of the day for the other stages of the Bills.

As hon. Members are also aware, it is likely that this is the last meeting of this House which the hon. Premier will attend with us. For that reason, Sir, we have arranged to take if possible a panoramic photograph with all Members of the House at about 11 o'clock. I hope Mr Speaker will be agreeable to a short suspension of the sitting so as to enable those Members who are not properly dressed to go and dress up in robes appropriate to the occasion.

Mr F. H. Utomi: That is, my own national dress.

Chief Enahoro: The hon. Premier will be making a statement later this morning. There are one or two minor points I would like to mention and that is the question that certain amendments to the Standing Orders are outstanding. It is hoped therefore that it will be possible for the Standing Orders Committee to meet before the Houses rise.

The second point concerns the House Committee. We heard sometime ago about catering arrangements especially when our Legislature sits. Some Members have complained that some of the arrangements are not satisfactory. We hope therefore that the House Committee will meet and some decision taken before the House rises.

VALEDICTORY

The Premier (Chief O. Awolowo): Mr Speaker, Sir, when on the night of 12th December this year or sometime on the 13th of the same month, my election as a Member of the new House of Representatives is declared, I would automatically cease to be a Member of this honourable House, and Premier of this Region.

As this is the last meeting of this House before 12th December, I consider it fitting that I should seize this opportunity to say a word or two of farewell to my hon. fellow Members.

I am saying goodbye not to the Region, for it is here that I have my home. Even when political circumstances make it necessary for me, in the future, to be resident in the Federal Territory of Lagos, I shall continue to keep my home here and have a good deal to do with the affairs of the Region.

I am saying goodbye to hon. Members not as individuals or as Party men. Both on the Government and Opposition Benches, I have personal friends, whose friendship I fondly cherish. As partymen hon. Members on Government Bench are political Colleagues with whom I will continue to have a lot to do at party levels, whilst those on the Opposition Bench are those with whom, under a democracy, I must constantly engage in sharp, and I hope, healthy contention, especially at election time.

It is, therefore, in my capacity as a Member of this House simpliciter, that I want to say goodbye to this honourable House, and to the hon. Members *qua* their membership hereof.

Eight years are a short period in the life of a Legislature which, in our case, is destined to go on for ever. But the eight years since January, 1952 have been packed with deliberations, decisions and actions of an exceptionally momentous and memorable kind.

The Government and the Opposition do differ quite naturally, most often very strongly, on the merits of the achievements of the Government and the Legislature of this Region since 1952. But there can be no conscientious dispute as to the facts of those achievements.

[CHIEF AWOLOWO]

In the course of our journey, the Government and the Legislature of this Region have erected a number of truly brilliant and imperishable milestones. These have been a credit to us and are objects of emulation to the other Governments of the Federation of Nigeria.

Free primary education, free medical treatment for all children up to the age of eighteen, free Government cinema, loans and subsidies to farmers, five shillings and six pence minimum wage for workers, housing scheme, television—all these were first introduced in this Region. When the battle for 1956 as a target date for Nigeria's independence raged fiercely in 1953, it was our Legislature alone that passed resolutions in support. By means of resolutions unanimously passed in this honourable House and in the other place, we were, by a long stretch, first in the field in opting for Regional Self-Government which eventually served as the precursor to national independence, and as the most powerful instrument of accelerating the advent of Nigeria's freedom.

When we first assembled here in January, 1952 with the exception of a few Members like Chief the hon. T. A. Odutola, and you, Mr Speaker, Sir, we were all new to a parliamentary life as distinct from extra-parliamentary political activities. There were cynics as well as well-meaning people who thought and predicted that we would make a mess of our great and historic assignment.

It would be pretentious to suggest that we have not made mistakes, but which earthly institution is free from these unavoidable human frailties? Indeed we have made our mistakes. But on the whole it is correct and incontrovertible to say that the parliament and Government of this Region have conducted themselves and the affairs of this Region in strict accordance with the best traditions: with credit to themselves; honour to our Region; country and race; and glory to God.

It is the duty of the Government resolutely to govern the people under its jurisdiction according to its light and judgment. On the other hand it is the duty of the Opposition to express its views candidly in opposition to any Government measure which in its view is not in the best interest of the people. Criticisms have been made in this House, especially during the consideration of Bills, that the Government does not often give regard to opposition views.

The truth is that it is neither politic nor wise for a Government to submit or appear to submit in the open, on major issues, to the Opposition (*Cheers*). It must be clearly recognised, however, by those who have learnt anything about the running of a Government that in the private counsels of a Cabinet and the Government Party, the spirit of the Opposition is always present. It is present to warn the Government of the day against acts and measures which might give the Opposition the cudgel with which to whip the Government and attract the majority of the people to its side, or embitter the feelings of the minority.

The aim of a good government is the welfare of the entire people under its jurisdiction. In pursuance of this aim, it is impossible for a government to please everyone. As long, however, as the government of the day is satisfied that any given policy, measure, programme, or legislation, will redound to the greatest good of the greatest number of the citizens under its charge, it should be inflexible in its path. This indeed has been the guiding principle of the Government which I have headed since 1952.

Under God's guidance, dominated in our thoughts, counsels and actions to do the best we ever can for all our people, and occasionally restrained by the spirit of the Opposition, I am satisfied that my Government and this honourable House have done exceedingly well for this Region. Accordingly we have set a pace and a standard unequalled and unsurpassed in the annals of our great country.

Since 15th March, 1957, when I declared my intention to leave Regional politics for good for the Centre, some friends and admirers have wondered why I have chosen to relinquish the certainty of a Regional Premiership for the probability of a Federal Prime Ministership (*laughter*). My attitude on this issue, however, is clear, unequivocal and unassailable.

I have never had any doubts that the place for the Leader of a nation-wide political organisation is the Centre. When my Party won the Regional Election in 1951, however, we decided that I should lead the team in the Western Region because we realised then that it was only at the Regional Level that Party Policies and Programmes could be put into effect. We had the burning desire to demonstrate to the world Nigerians' capabilities in the art of Government and to establish, through our performances in the

[CHIEF AWWO]

Western Region, a firm basis for the accelerated advancement of the country as a whole towards Independence. With the attainment of self-government by the Western Region in 1957 and the irrevocable promise of Independence for Nigeria on 1st October, 1960, our objectives have been realised and my assignment in the Western Region is completely discharged. From December this year, it is the Centre that I will exhibit my political activities, playing there such role as Providence may from time to time entrust to my Party and to me.

I have come here this morning, therefore, to make my bow on this exalted stage, to the audience before whom I have performed, these eight years past.

The undoubted, outstanding and epoch-making successes which have characterised my regime have not been achieved single-handed. I have owed these successes to God's Abiding Grace and Mercy, and to the co-operation of all my Colleagues without exception. I am profoundly grateful to God for everything, and I take this opportunity to pay public tribute to my Cabinet and Parliamentary Colleagues for their patriotism, public spiritedness and devotion to duty; and for their unwavering loyalty to the noble cause of our great Party and to my leadership.

However much we may dislike the methods of some individual Opposition Members, the fact remains, and I hereby publicly and gratefully acknowledge it, that under the leadership of the hon. Dennis Osadebay, the Opposition has made worthy contributions to the healthy growth of parliamentary democracy in this Region. *(Cheers from Opposition Benches)*.

As I leave this honorable House certain things give me great satisfaction and confidence as to the future of this Region.

Firstly, I am leaving behind a team of Ministers whose competence and sense of duty are undoubted; a fairminded and proficient Speaker, and a body of legislators whose patriotism has never been in question. Secondly, the team of Ministers is going to be led by one who is not only one of the outstanding leaders in my Party, but one whose wise counsels and advice have been of great help to me in my conduct of the affairs of this Region. *(Opposition Benches: Name him)*. Thirdly, we have in this Region a Civil Service which is exceedingly efficient, absolutely incorruptible in its upper stratum, and utterly devoted and unstinting in the discharge of its many and onerous duties. For our Civil Servants, Government workers

and labourers to bear, uncomplainingly and without breaking down or even showing signs of breaking down, the heavy and multifarious burdens with which we have, in the interest of the public, saddled them, is an epic of loyalty and devotion, of physical and mental endurance, and of a sense of mission, on their part. From the bottom of my heart I salute all of them.

Fourthly, we have in this Region under the command of Mr Jarret the Commissioner of Police, a Police Force which is impartial and efficient and is capable of maintaining law and order, and of speedily coping with any breach or attempted breach of it. Fifthly, we have a judiciary which is independent and impartial in every sense of the word, and a thoroughly upright, knowledgeable and fearless Public Service Commission. Sixthly, the economy of the Region is in a very healthy state, and the finances of the Government are impregnable and buoyant. Seventhly, we have here in this Region a conscientious Governor who has sympathy for our aspirations and is keenly interested in anything that tends to the progress and welfare of the people.

I want to end this valedictory speech by paying special tribute to the Obas, Chiefs and people of the Region. It is the loyalty, patriotism, obedience to constituted authority, and sense of civic responsibility on the part of the vast majority of them, that have made the governmental regime and era with which my name will for ever be associated in this Region such a supreme and completely satisfying success.

I thank you, Mr Speaker.

(Cheers and prolonged applause from both sides of the House).

Mr D. C. Osadebay (Leader of the Opposition): *(Loud applause)*. Mr Speaker Sir, in this game of party politics the evil that your opponents do lives after them; the good is often interred with their bones. *(Hear, hear)*. We are called upon this morning to listen to a valedictory speech of somebody whom I personally regard as one of the brightest and best sons of Nigeria *(Hear, hear)*. But I know that there are many people who would expect me as Leader of the Opposition to stand up this morning and attack Chief Obafemi Awolowo. I will do no such thing because in his speech he did not attack the Opposition; rather, he acknowledged that we on this side of the House have also done our duty and as you know, Mr Speaker Sir, Sir Ivor Jennings has said in one of his text books that the duty of

[MR OSADEBAY]

the Opposition is to oppose the measures of the Government. And I am happy to hear from the Premier that within the workings of the Cabinet the spirit of the Opposition is always present. Those of us who are used to parliamentary procedure never come to this House expecting the Government to take what we say, because if they do, it would mean that we are the Government and they the Opposition. *(Laughter)*.

The Premier said that when, on the 12th or 13th December his candidature is declared, he would no more be a Member of this House. As a true son of the Opposition, I should say that the Premier should have said that if *(Laughter)*.....he is called upon to relinquish his seat here, he would become a Member of the Federal House. Be that as it may, Sir, quite sincerely, we on this side of the House wish him good luck wherever he may be. But on this side of the House, we can concede only one position to him in the Federal House of Representatives, and that is the position of the Leader of the Opposition.

(Chief Awolowo then left the House amidst cheers from all sides of the House).

Sitting suspended at 10.50 a.m.

Sitting resumed at 12.35 p.m.

DEPUTY SPEAKER

The Minister of Finance (Chief J. A. O. Odebiyi): According to section 72 (2) (c) of the Nigerian Order in Council, which states that in the absence of the President or Speaker and of the Deputy President or Deputy Speaker, such member of the House as the House may elect, shall preside, I propose therefore that the hon. the Minister of Home and Midwest Affairs be appointed Speaker.

The Minister of Local Government (Alhaji D. S. Adegbenro): I beg to second.

Question proposed.

Question put and agreed to.

BUSINESS MOTIONS

Suspension of Standing Order 4 (2)

Chief Odebiyi: Mr Speaker, Sir, I beg to move the motion for the suspension of Standing Order 4 (2).

Alhaji Adegbenro: I beg to second.

Question proposed.

Question put and agreed to.

Suspension of Standing Order 41

Chief Odebiyi: Mr Speaker, I beg to move that Standing Order 41 be suspended this day to enable the House to go through all stages of the following Bills:—

(i) The Pilgrims Welfare Board (Amendment) Bill, 1959,

(ii) The Administration of Justice (Crown Proceedings) Bill, 1959,

(iii) The Western Region Sports Council Bill, 1959,

and to enable the Minister of Finance to move the Second Reading of "The 1959-60 Supplementary Appropriation (No. 2) Bill, 1959".

Alhaji Adegbenro: I beg to second.

Question proposed.

Question put and agreed to.

NOTICES OF BILLS

"The Pilgrims Welfare Board (Amendment) Bill, 1959"—*(Alhaji Adegbenro)*.

"The Administration of Justice (Crown Proceedings) Bill, 1959"—*(Chief J. A. O. Odebiyi)*.

"The Western Region Sports Council Bill, 1959"—*(Mr J. A. Adigun)*.

"The 1959-60 Supplementary Appropriation (No. 2) Bill, 1959"—*(Chief J. A. O. Odebiyi)*.

Sitting suspended at 12.40

Sitting resumed at 12.42

Mr Speaker resumed the Chair.

PRESENTATION AND FIRST READING OF PUBLIC BILLS

The following Bills were presented and read the First time. They were ordered to be read the Second time later in the day:—

1. THE PILGRIMS WELFARE BOARD (AMENDMENT) BILL, 1959—*(Alhaji Adegbenro)*.

2. THE ADMINISTRATION OF JUSTICE (CROWN PROCEEDINGS) BILL, 1959—*(Chief Anthony Enahoro)*.

3. THE WESTERN REGION SPORTS COUNCIL BILL, 1959—*(Mr J. O. Adigun)*.

4. THE 1959-60 SUPPLEMENTARY APPROPRIATION (NO. 2) BILL, 1959—*(Chief J. A. O. Odebiyi)*.

**PILGRIMS WELFARE BOARD
(AMENDMENT) BILL, 1958
Second Reading**

Order for Second Reading read.

Alhadji Adegbenro: I beg to move the Second Reading of a Bill entitled "The Pilgrims Welfare Board (Amendment) Law, 1959." The Pilgrims Welfare Board established in accordance with the Pilgrims Welfare Board Law, 1958, may at present consist of a Chairman and not more than four other members. Experience has shown that this total membership does not permit a sufficiently wide representation of the Muslim community to enable the Board to carry out its duties in an entirely satisfactory manner.

This Bill is designed, therefore, to amend the Pilgrims Welfare Board Law, 1958, to make it possible to increase the membership of the Board to eleven, inclusive of the Chairman, and thereby to enable the interests of the Muslim community to be adequately represented on the Board. The policy of this Government is to give opportunity to the Moslem community of this Region of taking the fullest advantage of the Board and as the Board stands at present, it is not considered that the interest of the whole Muslim community of this Region with the present membership is adequately represented.

Chief Z. A. Opaleye: In seconding this amendment Bill, I should like to make the following comments. This amendment to increase the membership of the Pilgrims Welfare Board is a symbol of the goodwill and great interest which the Government of this Region has in the Muslim community. The Pilgrimage to Mecca and Medina is one of the fundamental doctrines of Islam. This Government, I mean, the Government of the Western Region, is a holy Government, (*laughter from Opposition Benches*)—because there are Alhadjis on this side of the House... (*Opposition Benches: How many?*).....and you have no Alhadjis on the other side of the House, which means the other side of the House is unholy (*prolonged laughter*).

An Opposition Member: Alhaji, you must be serious. Alhadjis do not speak like that.

Question proposed.

Mr E. O. Fakayode: In rising to support this Bill, I have but a few remarks to make and that is the principle which the Government adopts in selecting the membership of

the Board. We had thought that the Board had been set up by the Government to enable members of the party to be absorbed into posts. The composition of the former Board was essentially Action Group and that of the present Board is exactly on the same lines. Why is there is no place for a member who is not Action Group? To be fair, the only member who is not Action Group is the Secretary to the Premier's Office, Dr S. O. Biobaku. He is the only person we can see who is not Action Group. All the other members are Action Group.

With due respect, Mr Speaker, there are so many Moslems in the Federation, like the hon. Minu Onubu, who are NCNC supporters. Such men ought to have a place on a Board set up for the Welfare of Pilgrims. This Board is quite different from all other Boards, this is mainly for religious purposes, it is not political, if we are to take the Government at their word. In Ibadan, we have a Moslem who is a contractor and who is fit to serve on this Board.

On the question of Chairmanship of this Board, I wonder why it is that Government always chooses somebody from Lagos to Chairman a Board in the Western Region (*Shouts of "one Nigeria" from Government Benches*).....

Chief Williams: Why is Mr T. O. S. Benson Chairman of the Western Working Committee of the NCNC?

An Opposition Member: Mr Benson was born in Ikorodu and Ikorodu is still part of the Western Region.

Mr Fakayode: If the Government cannot find a man to be the Chairman, we will, if they consult us, find them someone fit to be Chairman.

Mr V. I. Amadasun: Mr Speaker, Sir, I rise to support the Second Reading of a Bill entitled the "Pilgrims Welfare Board (Amendment) Law, 1959". In doing so, I think I have to agree entirely with all that has been said by the Member for Ibadan East. Mr Speaker, Sir, it is only unfortunate that the Premier, Chief Obafemi Awolowo has just told us that he is *gone* to the Federal House, otherwise, if he were here, this afternoon I would have had a lot of things to say about this Pilgrims Board.

In moving a Bill, Members of the Government should know that there are intelligent men on the Opposition (*Government Benches: "like whom?"*).....like myself. We are not prepared to take any Bill presented to this

[MR AMADASUN]

House at its face value. In order that you may know the momentum of my own debate on this particular Bill, I would like to read the object and reasons (*loud interruptions*)..... Mr Speaker, Sir, with your permission I read—

“The Pilgrims Welfare Board established in accordance with the Pilgrims Welfare Board Law, 1958, may at present consist of a Chairman and not more than four other members. Experience has shown that this total membership does not permit a sufficiently wide representation of the interests of the Muslim community to enable the Board to carry out its duties in an entirely satisfactory manner.”

“2. This Bill is designed, therefore, to amend the Pilgrims Welfare Board Law, 1958, to make it possible to increase the membership of the Board to eleven, inclusive of the Chairman, and thereby to enable the interests of the Muslim community to be adequately represented on the Board.”

Now, Mr Speaker, when the Minister is going to answer to our debate, he should be able to categorise the interests of the Muslim community in the Western Region. How many interests are there? There are eighty members of this House representing six or seven million people in the Western Region. There is a trick behind this. It is to give jobs to the jobless Action Group members before the Federal Elections.....

Chief Williams: What is wrong with solving unemployment problem?

Mr Amadasun:They can use their majority to pass this Bill but it should not be implemented until after the Federal Elections.

Chief Williams: You do not like Moslems.

Mr Amadasun: It is easy for five members to represent the Moslem community in the Western Region. What is there? I think that there is something hidden about this Bill.

The other day, I read in a newspaper that the Premier of the Region gave about 100 guineas to a section of the Muslim community in Lagos. This is a way of wooing them so that they can vote for him. We hear he wanted to worship in a Mosque in Lagos and he was refused entry and.....(*very loud continuous interruptions*)

An hon. Member: What has that got to do with the debate?

Mr Amadasun: I want to be protected, Mr Speaker. This is the time in the history of this House and of Nigeria when every legislator must say something.....

Chief Williams: Something sensible.

Mr Amadasun:As I have said before, publicity has already been given, to this yet the Premier did not refute the allegation.

Mr Speaker: The hon. Gentleman should not make accusations about anything in the press that Members don't have with them.

Mr Amadasun: I know Members of the Government read everything that I am saying. (*Government Benches: No, No*). Mr Speaker, with these few words and in support of all that has been said by the Member for Ibadan West, I beg to support.

Mr A. O. Adesokan: Mr Speaker Sir, I wish to register my gratitude to the government for creating a board for the welfare of the muslims in this Region but I have my personal feelings—that is, that we learned that a member is going to be compensated with the chairmanship of this board to enable him step down for Chief S. L. Akintola who will contest a bye-election.

Mr Speaker: The last sentence of the hon. Gentleman's speech is very irrelevant.

Mr P. V. Okwesa: Mr Speaker Sir, it is good, in my opinion, to bring in more members on the Pilgrims' Welfare Board, but why is the Action Group Government of the Western Region bringing this Bill at this time? The motive is not to please the muslim community of the Western Region but simply to woo the muslim community and then probably to deceive them into casting their votes for them at the Federal election. I think it is a mistake to think that the introduction of this Bill alone is sufficient to get votes from the muslim community. (*Government Benches: Why are you worried?*) Well, I am worried because I can see the folly in introducing such a Bill at this time. Why not think of the Bill three months ago or why not leave the Bill until after the Federal election? I am sure you will not get their votes. In spite of all the offer of a hundred guineas to the muslims in Lagos, which offer was rejected, the Action Group lost the election to the Lagos Town Council. So that no matter what you do, at this time, it is not going to lure the muslim community to think that the Action Group is looking after their interests.

Alhaji Adegbenro: Mr Speaker Sir, I must express surprise that some people on the other side of this House come here with indisciplined minds. I remember the Member for Ibadan West rightly agreed that the muslim community of this Region ought to be grateful to the government of this Region. For the information of Members on the other side of the House who know little or nothing about pilgrimage affair, may I say Sir, that the arrangements for pilgrimage has to be taken in hand well in advance so that people who go to Mecca and Medina will be fully prepared for embarking on that arduous journey to Mecca and Medina. Suggestions have been made that the Bill is introduced because we want to catch votes. That is far from being true because as I have said earlier on, Members will be aware that the Board recently went to Mecca and Medina and as a result of their experience they agreed that a wider representation on the Pilgrim Welfare Board will help and therefore this Government decided that the Board should be expanded to give representations to other sections of the Muslim Community in this Region.

The Member for Ibadan East has criticised the Government for selecting somebody from Lagos to chairman this board. He also said that people who have been on the board have always been members of the Action Group. In regard to the first part of his criticism, I would like to say that not only myself but the entire members of the community of Lagos would be shocked that there is an NCNCer in the Western House of Assembly who would not like to see a Lagosian heading the Pilgrims' Welfare Board, or any board for that matter. As a matter of fact, we on this side of the House have always regarded Lagos as part of the Western Region and we shall continue to do so.

Secondly, he suggested that all the members of the Board have been Action Group members and he expressed fears that perhaps members who are going to be elected to this board will always be members of the Action Group. Well, I know that if members of the Board have political views, they have been very very moderate and I may say, before I go on, that when consideration will be given to appointing members of this board, we would not think in terms of whether a man is an Action Group member or an NCNCer. The guiding principle is that of who can best serve the interests of the muslim community as a whole, and unfortunately the Member for Ibadan East has been able to name only one Alhaji who is an NCNCer

in Lagos and only one Alhaji who is an NCNCer in Ibadan, whereas the contrary is the case on this side of the House where you have experienced, honest and devoted Alhajis in the Action Group. And as a matter of fact Sir, the persons to be selected to represent the muslims must have great experience and also must have visited Mecca and Medina so that they may be able to advise those going on pilgrimage.

Therefore, it will not be our fault, Mr Speaker, if when looking around the fold of the NCNC we fail to select anybody who can measure to the standard which I have just mentioned.

I would like to reply to the speech of the Member for Ibadan West, but the question of the Member for Benin Central is of interest. He said he would like to know what interest of muslims is being protected by the Board. The answer is simple. The interest of the muslim community which the Board will protect is the pilgrimage of intending muslims; and the Board cannot under the Law act outside the provisions of the Pilgrims' Welfare Board Law, 1958. It is not apt to argue that because only eighty members now serve the interests of six or seven million inhabitants of the Region therefore five members should be able to serve the whole muslim community. It is only people who are experienced that can dabble in matters of this type. It is too delicate for the Member for Benin Central.

He has also mentioned the thanksgiving service which the Premier and his party had in Lagos in the month of September during the Annual Congress of the party. It is a pity that the hon. Member was so far away in Benin and he could not know what happened in Lagos and perhaps did not read the newspapers to see the photographs of those who attended. It is true that the Emancipation League, which is an ally of the NCNC did not co-operate but unfortunately that was a lone voice in the wilderness. The whole Muslim community and sectional mosques in Lagos welcomed the Action Group and the Premier and there were solemn prayers. Mr Speaker Sir, the Action Group did not worship in Lagos because of the Lagos Town Council election. It is the practice of the party to worship when holding their annual congress. We worship in the church and also in the mosque. The question of catching votes does not arise. The Board is being set up to help those who want to proceed to Mecca and Medina. If there is anybody on the other side of the House who intends to pay visits to this holy land, he is welcome and the Board will be prepared to help him.

Question put and agreed to.

Bill accordingly read the Second time and ordered for Committee now.

In the Committee.

Clauses 1 and 2 agreed to.

Mr Speaker resumed the Chair.

Bill reported without amendments, read the Third time and passed.

**SUPPLEMENTARY APPROPRIATION
(1959-60) (No. 2) BILL: SECOND
READING**

Order for Second Reading read.

Chief Odebiyi: Mr Speaker, Sir, I rise to move the Second Reading of a Bill for a Law to make Supplementary provision for the services of the Western Region for the year ending 31st day of March, 1959, additionally to that made under the 1958-59 Supplementary Appropriation Law and the 1959-60 Supplementary Appropriation Law.

I have it in command from His Excellency the Governor in accordance with Standing Order 72 to convey his consent to the consideration of this Bill. The necessity for this Bill and the Supplementary Estimate supporting it has arisen mainly from the fact that Government has decided to grant workers an interim cost of living allowance. I am sure hon. Members have heard the announcement made by all the Governments of the Federation on this matter, and I need not refer here to the circumstances which led to the decision taken by this Government. I should like to point out, however, that as has been the case with many other progressive measures it was the Government of this Region which gave lead in doing something to help workers meet the rise in the cost of living which admittedly has taken place in this country over the past few years. As hon. Members are aware, Government has also appointed a Commission to make a comprehensive review of salaries, wages and general conditions of service of those in its employ.

Mr Speaker, Sir, of the total Supplementary Expenditure of £2,001,380 for which approval is sought under the Bill, the sum of £257,785 will be spent on payment of the interim cost of living for the whole of the current financial year. It is noteworthy that this Government is the only Government in the Federation that has agreed to pay the cost of living allowance with effect from 1st April, 1959. The total sum thus spent as required to cover the payment of cost of living allowance for the period 1st April, 1959 to 31st March, 1960, includes the following:—

£508,960 to grant-aided Schools in respect of teachers' salaries.

£286,240 to assist Local Government Councils in meeting the full cost of grant award similar to that paid to Government employees.

The only other significant item in the Supplementary Estimate relates to Capital Budget. Provision of £40,000 is made under the Treasury Sub-head of Head 701 for extension to the Public Service Training School. The need to increase training facilities in the Civil Service is obvious and requires no elaboration. Under Head 706, additional provision of £8,000 is being made to provide more grants to voluntary agencies for the building of more teacher-training institutions to cope with the number of teachers required in connection with Government expansion programme in the educational field.

During the last Budget Session, it was announced that Government was embarking on a special medical development programme this year with a view to providing at least one maternity centre and two dispensaries in each constituency in the Region. For that purpose, a sum of half a million pounds was voted. We have since had the opportunity of working out the details of the programme and additional provision of £150,250 sought under Head 707 is to make it possible not only for Government's promise in regard to maternity centres and dispensaries to be fulfilled but also to provide ten new Health Centres which will serve as a link between Dispensaries and Health Centres on the one hand and the General Hospitals on the other. Under Head 731, a total additional provision of £274,000 is required. Of this amount, £5,000 is required to enable increased assistance to be given to town planning authorities and £244,000 to meet liabilities for compensation in respect of land acquired for industrial estates at Mushin and Ikeja, the Housing Estate at Bodija and also for miscellaneous acquisitions which have been made all over the Region for public purposes but which owing to delay have remained unsettled. The vote required for the various Heads under the Capital Estimate amounts to £267,135.

Mr Speaker, Sir, I do not wish to take up the time of this House any more. With that I beg to move.

Chief Enahoro: I beg to second.

Question proposed

Debate on Second Reading adjourned till 8 o'clock this evening.

Sitting suspended at 1.30 p.m.

Sitting resumed at 8.15 p.m.

**ADMINISTRATION OF JUSTICE
(CROWN PROCEEDINGS) BILL
SECOND READING**

Order for Second Reading read.

The Minister of Justice and Attorney-General (Chief F. R. A. Williams): Mr Speaker, Sir, I rise to move the Second Reading of the Administration of Justice (Crown Proceedings) Law. The purpose of this Bill is to modernise the procedure for applications for the Prerogative Writs of *Mandamus*, *Prohibition* and *Certiorari*, and with respect to Proceedings by way of *Quo Warranto*. (*Loud interruptions*). Clause 4 of the Bill also abolishes informations by way of *quo warranto*. The opportunity has been taken to make clear the provisions of the Chieftaincy Ordinance from Court Ordinance in its application to these Writs.

Mr Speaker, Sir, I beg to move.

Chief Odebiyi: Mr Speaker, Sir, I beg to second.

Question proposed.

Mr V. I. Amadasun: Mr Speaker, Sir, before my learned Friend Mr Fakayode says all he knows about this Bill I agree entirely with what the Attorney-General has said. (*Laughter from both sides of the House*).

Chief Williams: Mr Speaker, Sir, I think the Bill is going to be passed unanimously. I also agree with the Opposition Chief Whip.

Question put and agreed to.

Bill accordingly read the second time and ordered for Committee now.

In the Committee:

Clauses 1-5 agreed to.

Mr Speaker resumed the Chair.

Bill reported without amendment, read the Third time and passed.

**WESTERN REGION SPORTS
COUNCIL BILL—SECOND READING**

The Minister of Health and Social Welfare (Mr J. O. Adigun): Mr Speaker, Sir, I rise to move the Second Reading of a Bill for a Law to provide for the establishment in the Region of a Council to encourage participation and assist in the improvement of standards of performance in sport, and to encourage and assist amateurs participating in sport and for purposes incidental thereto or connected therewith.

Mr Speaker, Sir, this Bill is non-contentious and I know that hon. Members will just give it their fullest support. The Bill provides for the establishment in the Western Region of a Council to promote, encourage, develop and organise sports; the provision of facilities therefore, and to ensure that our youths receive adequate training in sports and games. It has always been the policy of this Government to assist sports in the Region and Members should be aware of the very generous financial assistance which we have given to the Western Regional Council of the Nigeria Football Association. Also we have given similar support to the Nigerian Olympic and Empire Games Association and to various sporting clubs in the Region.

In the case of the Football Association, I am sure, Sir, that we can take a pardonable pride in the fact that this year—may be as a result of this full co-operation by the Government—the coveted Nigeria Challenge Cup has been won for the first time in the Region. (*Hear! hear!*) And I wonder whether it will not be appropriate at this time to express Government's congratulations to the Association for bringing the Region this coveted cup. I am sure, Sir, that if similar organisations are given as much support as we gave to the Football Association at the present time the Western Region will be second to none as far as sports are concerned. At the moment, Sir, the Liberty Stadium is nearing completion and when the stadium is functioning coaching of different types and coaching classes for games masters throughout the Region will be organised at the stadium. Regional coaching will be done and even provincial coaching together with official coaching to make selection of outstanding performers for training for Regional and international teams.

If you go through the objects and reasons of the Bill, Mr Speaker, Sir, you will see that we have made ample provision for those who are to be members of the Council, their duties and their powers and I am sure it will be wasting the time of this honourable House to state all these functions.

Mr Speaker, Sir, I beg to move.

The Minister of Lands and Labour (Chief J. O. Osuntokun): Mr Speaker, Sir, I beg to second.

Question proposed.

Mr Lekan Salami: Mr Speaker, Sir, on behalf of my Association and the Opposition in this House I rise to support this Bill. Many people thought that the West could not win the Challenge Cup this year but we have proved them wrong. I have to congratulate

[MR SALAMI]

the Government of the Western Region for the support they gave my association..... (Government Benches: Which is your Association?). Ibadan District Amateur Football Association—both morally and financially to see that for the first time in history Ibadan which is proud to be the capital of the Western Region won the cup.

As I have said earlier, my Association is still fully prepared to retain the challenge cup for the next twenty years if the Government can continue to give us more support.

My thanks also go to the Minister of Agriculture and the Minister of Health for their moral support and I will not forget to say the good role played by hon. Oye during the struggle.

I am also grateful to Mr Okunoren, Chief Akin Olugbade and Chief Adebo, the Speaker, and some officials of this Region for the good part they played.

Mr Speaker, Sir, I beg to support.

Mr V. I. Amadasun: Mr Speaker Sir, on its face value this Bill is non-controversial—and therefore Mr Speaker Sir, I stand to support it.

Now Mr Speaker Sir, I wish the Members of the other side to know that there are two component regions forming the whole of the Western Region and the component regions are: (1) the Midwest Section and (2) the Yoruba section. When the Mover of this Bill was moving it he made mention of Liberty Stadium. Liberty Stadium is in what part of the Western Region? (*Interruptions*). It is in the Yoruba West.

Mr Speaker, Sir, I was expecting that before this Bill was presented to this House, Liberty Stadium should have been built in Benin City or any part of this area instead of Ibadan, the Capital of the Western Region.

Now Mr Speaker Sir, it is no sin to be tribalistic. Therefore I should fight for my own Region. Mr Speaker, Sir, if you go through Clause 12 of this so-called attractive Bill.....

Mr Speaker: I beg your pardon.

Government Front Bench: So you are fighting for your Region.

Mr Amadasun: I didn't say Region.

Government Front Bench: We thought that was what you said.

Mr Amadasun: Now Mr Speaker Sir, you'll see that Clause 12 reads:

"It shall be the duty of the Council within the limits of its resources, and subject to the provisions of this Law to encourage participation and assist in the improvement of standards of performance in all forms of sport and to encourage and assist amateurs participating in all forms of sport."

In this Bill, Mr Speaker Sir, all forms of sports are classified and they are football, athletics, boxing, canoeing, cricket, fencing, gymnastics, field hockey, lawn tennis, netball, rounders, swimming, table tennis, volleyball, water polo, wrestling and any other game or recreational activity approved as a sport by the Council.

The reason, Mr Speaker Sir, why I go through is that when you classify the sports into two categories, you will see that more are for the Midwest area than for the Yoruba Section. I am sure no hon. Member of the House will risk his life to take part in water polo or canoeing (*Interruptions*). Of these sports, water polo and canoeing are meant for Midwest area especially in the Ijaw area. Therefore, Mr Speaker, Sir, there ought to be two councils—one to cater for the welfare of sports in the Midwest area and the other in the Yoruba area.

Now Mr Speaker, if you go to section 17 of this Bill, it makes provision for the appointment of Advisory Committees. In the Advisory Committees one of the members of the Sport Council should be the Chairman and at least two other members, either or both of whom shall be appointed by the Council. Now there is a section too—a clause here in this Bill—which says that the Council should meet at least once a fortnight, that is, they should meet ten or twelve times a quarter.

Why has the Government made it that Members of the Council should also be members of the Advisory Committee. The Government is giving a lot of work to the Council to do instead of appointing those who are not members of the Council. Now Mr Speaker, Sir, there is another section that is section 18—which makes provision for the appointment of Provincial Advisory Sports Committees. Now, if we group all these Committees together, we will see that there are more than 100 Committees to be appointed and in this section 18 mention is made of the remuneration. I should like the Mover of this Bill to let the House know what will be the amount to be paid to every Committee Member of every Council; because there are many provinces in the Western Region.

Government Benches: How many Provinces?

Mr Amadasun: If you appoint Committees for Sports for all these provinces, what is the percentage to be given to the NCNC?

Section 18, Mr Speaker Sir, is so worded that I think that in any province dominated by the NCNC, there will be no Advisory Committee appointed. It may, subject to the approval of the Minister appoint a Provincial Sports Committee—not more than three Members including the Chairman. Mr Speaker, Sir, it is doubtful whether in any province dominated by the NCNC, there will be any Advisory Council to be appointed. I want to make use of the opportunity of this House to say, that this Bill when passed should not be implemented until we have known the results of the Federal elections.

Government Benches: Why?

Mr Amadasun: Because if it is implemented, many jobless Action Group supporters will be fixed in, so that somebody because of travelling all the way to Ibadan to attend a meeting will be getting his travelling allowance at one shilling per mile. *(Interruptions from Government Benches)*.

Mr Speaker Sir, I beg to support.

The Parliamentary Secretary to the Ministry of Health and Social Welfare (Chief Z. A. Opaleye): Mr Speaker, Sir, in support of this Bill, I would like to congratulate the Government for the Government is always the first in the field of progressive ideals for every other Governments of the Federation, especially*(Interruption)* We are first in all and everything connected with progress in this Region. I hope a football match organised between the Government side and the Opposition side will show that we are stronger. *(Interruptions)*. Mr Fakayode.....*(Interruptions)* and Amadasun will be the Backsmen.

Opposition Front Bench: And the Premier will be the Centre-half-back!

Chief Z. A. Opaleye: Mr Speaker, Sir, I support the Bill.

Mr J. O. Adigun: Mr Speaker Sir, I think I should thank our hon. Member for Ibadan for his compliments. He mentioned that this Government has given the Football Association several supports financially and morally and they hoped that this support will continue. I should just like to assure him that it is just to see that this Sports continues that we are passing a Bill like this. That a

Council such as we propose will be able to give every support financially and morally not only to the Football Association but to other associations as well; and I hope indeed that the Challenge Cup which they won for the Region this year will remain here for at least twenty years.

The hon. Member for Benin has raised quite a number of points which are very insignificant. I should like to go over them one by one. *(Interruptions)*.

In the first instance, the hon. Member has spoken much on tribalism and I am surprised that he has done this because his party has always had one Nigeria, one destiny, etc., as its motto. As far as we are concerned, we are not going to make representation on this council on anything tribalistic. We want to choose the best men for the offices. We know people who are interested in sports and we want to see that we get the best men. *(Interruptions)*. We want to see that we retain them in the council so that they may do their best for the Region. I want to assure our men that tribal consideration will never come in.

The hon. Member for Benin also mentioned that Liberty Stadium is in Ibadan. I am wondering Mr Speaker Sir, whether the hon. Member for Ibadan would like to see the Liberty Stadium moved from Ibadan and put in Benin. I just want to assure him that if he could get Mr Fakayode or Lalekan to agree to that, we will give it consideration. *(Government Benches: Do you agree?)*

I want to assure you that it will be one of the duties of this Government to see that more stadiums are provided in the Region.

It is our intention to give every encouragement to the different sports activities in the Region. He also suggested that we should have two councils. My reply is that if my Friends study the Bill properly, they will find that in Clause 18 we make provision for a Provincial Advisory Board. We are thinking of a central organisation like a council, and then in each province we want to have an Advisory Committee, and in these committees, we are going to appoint local people, so that they may be very useful to the Council.

The hon. Member also mentioned that representation should be on party basis. Sporting activities should not have anything to do with politics; it does not matter who is the best jumper or to what party he belongs or who is the best footballer, so long as the Region appoints the best men. We are not prepared to make representation on the council on party basis.

[MR ADIGUN]

He also concluded, I think, by suggesting that the appointment of members of this council should be made after the Federal Election. I want to assure him that we are confident that by the grace of God, the Action Group is going to win the Election.

Mr Speaker Sir, as I said, this law has nothing to do with politics at all. It is mainly to promote sporting activities in the Region, and the question of the Federal Election does not come in at all.

Mr Speaker Sir, I beg to support.

Question put and agreed to.

Bill accordingly read a Second time and ordered for Committee now.

In the Committee.

Clauses 1 to 22 agreed to.

Mr Speaker resumed the Chair.

Bill reported without amendment, read the Third time and passed.

ANIOCHA DISTRICT COUNCIL (Dissolution)

Motion made and question proposed: That the House do now adjourn. (Mr. A. O. Adedeji).

Mr F. H. Utomi: Mr Speaker Sir, I rise to make a Motion and that Motion is on the Western Regional Government Dissolution Order of 1959 of the Aniocha District Council in Asaba Division.

Mr Speaker Sir, the Government set a Commission of Enquiry into the Council with specific terms of reference. The terms of reference were to enquire into the possibility of splitting the District Council Area into two district councils and to ascertain the wishes of the people. This enquiry was set up as a result of agitation by a clique of Action Group members in Asaba Division. However, this Commission of Enquiry was set up in July, and the Sole Commissioner came to ascertain the wishes of the people and to see also if there will be any possibility of splitting this Council area. Mr Speaker, Sir, the people made the Commissioner realise that they were not the precursor of the Commission, and that the case was just between the NCNC and the Action Group. The man in charge of the Action Group in Asaba Division, Mr Nduka Eze, told the whole audience boldly before the Commissioner, the Counsels for the Action Group and the plighted NCNC Council that the Enquiry was a mere formality. The result of the Enquiry had not been published, and a month to the dissolution of the Council, the names of the caretaker members were

announced publicly at Isele-Uku, Ogwashi Uku and Ubulu Uku and there was wild revelry, and the Action Group members danced round, shot their guns and their cannons. Unfortunately, we had the Gazette Notice, the Dissolution Order came out in Western Region Legal Notice of 1st October, and on the front page of this Gazette Notice, it was stated that the Council could make representations in writing to the Permanent Secretary to the Ministry of Local Government; and on the back of the same Gazette, the names of the caretaker members were, already printed. It is unfortunate to state, Mr Speaker Sir, that in the NCNC-dominated council, whilst the NCNC members were 44, in the Action Group new Committee of Management, the NCNC is now represented by three members; and while the Action Group members were formerly seven in number, they are now represented in the Committee of Management or the new caretaker committee by twelve members.

Chief Enahoro: They were responsible men in the area.

Mr Utomi: Unfortunately there was no charge of mal-administration or corruption or inefficiency on the part of the Council to discharge its duties or the usual charge against some councils of tax default. Well, as the hon. Leader of the Opposition has said, where an Action Group Council is dissolved, Action Group members are being put in, which means there is no dissolution, but where an NCNC Council is dissolved, it is only an opportunity to allow the Action Group to form a council where they have not been able to win an election. This is what I want to bring out—that if the Government wishes to control a council, they could order a fresh election. The original idea has been defeated; if they meant it they could have given order that the members of the Council should go and form the nucleus of a new council but rather, they allowed the members of the Council to go and form the nuclei of two new councils according to their own wish.

There have been no charges of mal-administration or defaulting in the collection of tax at least within a limited time. When an Action Group council is dissolved it is acceptable that Action Groupers should be placed as caretakers but when an NCNC council is dissolved Action Group members are put in their places. It is only reasonable that where an NCNC council is dissolved NCNC members should still be given an opportunity to be caretakers. But the Action Group will take such an opportunity to form the care-taker committees. If the

[MR UTOMI]

Government wished to control the council they should have ordered a fresh election. But now as things are, the original objectives have been defeated. If there had been any need to split the council into two they should have been asked to be split into two without getting the original council dissolved. The council was dissolved without any provocation and it was announced on the air that it had been dissolved without reasons. Unfortunately on the part of the Government, they were looking for a base to fight where it is an NCNC area. If the Government wishes to control the area why not ask for a fresh election? You have done this against the wish of the people and thus the Government has defeated its own law because we were not given notice. There were no charges against us. No charge of mal-administration, no charge of corruption, no charge against the council at all for not collecting their taxes. In other words if the Government wishes to control the area let them order a fresh election and give us notice. Immediately we had this new set-up what did we see?

The Parliamentary Secretary to the Treasury (Mr E. O. Idowu): Point of Order Sir. Over this Aniocha District Council there was a commission of enquiry. I am leaving it for the Speaker to decide that Standing Order 23, sub-section 8 is appropriate.

"The conduct of Her Majesty's members of the Privy Council, the Royal Family, the Governor-General, the Government and members of the House or the performers of judicial functions like other members shall not be raised unless upon a substantive motion".

Mr Speaker: Order, order. The hon. Member for Asaba East has not been querying the work of the Commissioner but he has been talking on the action of the Government.

Mr Utomi: For record purposes, I must say that the Government is making a dark history in my own area. We want the Government to order fresh elections. It is already obvious that there is no charge of mal-administration or of corruption; they only wish to have a fighting base to win an area from the NCNC. Already the back door decision of the Government to enthrone a party which has only seven members in a council of forty-four people is just the opposite of democracy. We are praying the Government if they wish to prove their popularity as quickly as possible to order a fresh election. Mr Speaker Sir, that is all I want to say.

Alhaji Adegbenro: Mr Speaker Sir, it is very interesting to see that my hon. Friend from Asaba East has already hinted that the dissolution of the Aniocha District Council was made in order that the Action Group might control the area. I would not like to waste the time of the House but wish to make some comments on what the hon. Member for Asaba East just said to enlighten him and other Members of the other side of this House. One important comment which I would like to emphasise is that when an Action Group council is dissolved it is all right but when an NCNC council is dissolved there is hue and cry all over the place. Before I make my brief comments, Mr Speaker Sir, I would seek your permission to read section 12 of the Western Region Local Government Law, 1957:

"(1) Whenever proposals are made by any person or authority for the purpose of effecting any of the following changes—

(a) an alteration of the boundaries of the area of the authority of a council;

(b) the division of the area of the authority of a council;

(c) the transfer of any part of the area of the authority of a council to another council;

(d) the union of the area of the authority of a council with the area of the authority of another council; or

(e) the formation of a new council in the area of or part of the area of the authority of an existing council;

the Governor in Council shall, if he is satisfied that the proposals ought to be entertained, cause an inquiry to be held in the locality affected.

(2) Where the Governor in Council is satisfied, after the completion of the inquiry, that any change with respect to any matter specified in sub-section (1) of this section is desirable he may make such provision by Instrument as appears to him necessary to give effect thereto".

Proposals have been made to the Governor in Council that a change in the area of the jurisdiction of the Aniocha District Council was necessary and on that a commission of inquiry was instituted and a commissioner—a sole commissioner—was appointed by the Governor in Council. The Sole Commissioner, Mr Speaker, has reported and he has found out that it was necessary to establish two councils in place of the existing one called the Aniocha District Council. The Governor in Council has accepted the recommendation of the sole commissioner

[ALHAJI ADEGBENRO]

and has acted on it accordingly. Therefore, the Aniocha District Council was dissolved and when dissolved the obvious thing for the Government to do was either to appoint a caretaker or a management committee or sole administrator to look after the council. In this case, Mr Speaker, the Governor in Council was satisfied that a management committee would be preferable and therefore a management committee was appointed. The important point to bear in mind is that when it is necessary to dissolve a council it is done either because the council has been in default or as a result of this type of inquiry it is found out that it is necessary to appoint a committee or a sole commissioner to take over the responsibility of that council and where that is done it is the prerogative of the Government to determine who and who are considered suitable by the Government to act as management committee or as an administrator. When doing this, no regard is given to the previous composition of the council and it is the Government's duty to see that during the interval responsible people are put in charge to maintain good government and public welfare. This is why it is necessary for the Government to see that whoever is going to be a member of that committee must enjoy the confidence of the Government and regarded as a man of integrity and honesty. Mr Speaker Sir, the Members of the Opposition will have their own rights when it comes to electing a new council. That is the time they can test their force and strength in the area but as things are now it is the responsibility of the Government to see that people who will be able to discharge the responsibility are put in the management committee (*hear, hear*). Mr Speaker Sir, a request has been made by the hon. Member for Asaba East for an election into the council again. I must say that it is the prerogative of the Government to determine when and how an election would be held into a dissolved council. Councils are not dissolved just for fun. In this case it is one thing to come to the floor of the House to say no charge of maladministration and things like that have been found against the council. Mr Speaker, we have said that the sole commissioner has made his recommendations and the recommendations have led to the dissolution of the council and I am sure that the Government has indicated in the Gazette Notice that election will be held into the two councils. We as well as my hon. Friend from the other side of the House are very anxious that election be held into the two councils as

soon as possible. We do not intend to allow the management committee to run the affairs of the council for long.

As it is, Mr Speaker, Sir, I can assure my hon. Friend that elections will be held into these two councils as early as practicable.

Chief Anthony Enahoro: May I add a word, Sir. It is true that supporters of hon. Members on the other side of the House have been expressing their concern over this matter. May I say, Sir, that I have visited the area myself, and I am satisfied that the steps taken by the Government in regard to this matter are justified. It was the intention to put public spirited people into the Council. As the hon. Minister has pointed out, it is not merely setting up various caretaker councils. It is the question of appointing fit and proper persons, knowledgeable, competent persons to run the affairs of that area until there can be an election when once more the supporters of the Opposition can elect the usual type of persons. (*Laughter*).

Now Sir, in the Aniocha area, for the first time in many years people are now able to go about without fear of molestation. There are no policemen in that area. Who are arresting the people? It is the supporters of the Opposition who are going about the place collecting rates which they are not entitled to. When hon. Members speak about that they ought to realise that because of our position we cannot make charges on the floor of this House because we like to behave responsibly. It is a fact that even the hon. Member who raised the point does not know the place better than I do. And it is a fact that for the first time for many years in Aniocha the people now feel that they are in some part of the Region as all of you are in a free atmosphere. This is the first time for many years that is happening in Aniocha, so it is entirely false for anybody to get up on the floor of this House and say that people are being arrested. Who is arresting people? There is no police in that district and if that is true, that is what you taught them to do in the past and that is what we are now trying to stop in that area.

Question put and agreed to.

Adjourned accordingly at 9.20 p.m. until 10 a.m. on Wednesday, 4th November, 1959.

WESTERN HOUSE OF ASSEMBLY

WEDNESDAY, 4TH NOVEMBER, 1959

(The House met at 10.25 a.m.)

PRAYERS

(Mr Speaker in the Chair)

PAPERS

The following papers were laid on the Table of the House:—

1. Annual Abstract of educational statistics, 1956-58;
2. The Western Region Statistical Bulletin, June 1959;
3. The Annual Report of the Western Region Marketing Board.

ORAL ANSWERS TO QUESTIONS

WATER SUPPLY

(Ogwashi-Uku, Issele-Uku, and Asaba)

41/59. Mr F. H. Utomi asked the Minister of Works and Transport to state the reasons why the Ogwashi-Uku, Issele-Uku and Asaba Water Schemes have not been implemented in view of the fact that surveys and preliminary investigations have been completed since 1957.

The Parliamentary Secretary to the Minister of Works and Transport (Mr J. A. O. Ogunmuyiwa): The preliminary investigations at Ogwashi-Uku were completed in the second half of 1958; these investigations showed that to utilise the nearest steam (the UBU) would be very expensive.

2. An alternative supply might be possible from one or more boreholes; such a supply if feasible would be considerably more economical in capital cost and subsequent maintenance and would also provide a purer quality water.

3. This site was noted therefore for trial boring and it has since been included in the contract negotiated for the drilling of boreholes throughout the Region.

4. In the same way both Issele-Uku and Asaba have been included for trial boreholes to avoid the heavy expense of long pipe lines and high head pumping which would otherwise be necessary. At present new boreholes are being sunk at Asaba and Ogwashi-Uku but capacity test has not yet been carried out. Trial borings are expected to be completed at the other site during 1959.

EDUCATION

Government Colleges

(Defaults in payment of fees)

45/59. Mr P. K. Tabiowo asked the Minister of Education to state the total loss sustained by the Government due to inability of parents and guardians to meet the college fees of some of the students at Government Colleges in the Region during the years 1952 to 1958.

The Parliamentary Secretary to the Minister of Education (Mr J. O. Oye): The fees still unpaid in Government Colleges amount to £52. From 1952 to 1958, remission of fees in Government Colleges on account of indigence amounted to £9,155 15s analysed as follows:

1952 to 1958

	£	s	d
Government College, Ibadan	3,446	15	0
Queen's School, Ede...	3,063	10	0
Edo College, Benin ...	1,435	10	0
Government College, Ughelli	1,210	0	0
	£9,155	15	0

Mr Tabiowo: What is Government doing to recover this money?

Mr Oye: The amount has been given as remission to the students and therefore this amount is no more debt to be recovered by the Government.

MIDWEST AREA

(Provision of Orphanages)

51/59. Mr G. I. Oviasu asked the Minister of Health and Social Welfare if he has plans in hand for the establishment of Orphanages in the Midwest and to state when such plans will be put into effect.

The Parliamentary Secretary to the Minister of Health and Social Welfare (Chief J. L. Tifase): Government has no immediate plans for the establishment of Orphanages in the Midwest area. The care and protection of orphans is usually a local matter, and it is the responsibility of the Local Authority from whose area the orphan comes.

2. Section 26 (2) (i) and (ii) of the Children and Young Persons Ordinance makes provision for this.

3. Such orphanages as exist in this Region are maintained by Missions, and this Government will always co-operate and give assistance, where necessary.

4. Should any Local Authority desire to establish an orphanage in its area, the Welfare Division of my Ministry will be happy to assist, and co-operate in the provision and maintenance of the institution.

BUSINESS OF THE HOUSE

Standing Order 4 (2)—Sittings of the House—suspended during this days' meeting (Chief A. Enahoro).

Motion made and question proposed. That at its rising this day the House shall adjourn sine die (Chief A. Enahoro).

Question put and agreed to.

SUPPLEMENTARY APPROPRIATION

(1959-60) (No. 2) BILL

Second Reading

(Adjourned debate: 3rd November)

Question again proposed.

Mr D. C. Osadebay: Mr Speaker, Sir, while supporting the Motion, I think this is an opportune moment to say that we on this side of the House view with disfavour the impression that the Government of the Western Region is giving, that they do not want to be a part of Nigeria. Sir, in London, there is Nigeria House. The Commissioner for Nigeria is in that office, the Commissioners for the East and the North are there also but the Commissioner for Western Region is in a separate office.

Then, Sir, recently, the Government of the Federation met to discuss the demand of the workers for increased pay. The Government of this Region always likes to say that it is a democratic Government. If it is a democratic Government, when the Government of the Federation, North, East and West met and even the Cameroons which is seceding, to decide on the lines of action upon one single enquiry into the demands of the workers, what did the Government of the Western Region do? They tore away from the meeting and started their own.

Chief Williams: It is in the interest of the workers.

Mr Osadebay: Not in the interest of workers. It is an electioneering campaign... and we hope sir, that the tactics were nullified by the workers in Lagos, during the Lagos Town Council Election. If what the Action Group did had been viewed with favour, they would have won the Lagos Town Council election.

Chief Williams: That is local.

Mr Osadebay: The workers in this country are a mature people.

Chief Williams: Lagos workers are not in the West. That is the point.

Mr Osadebay: That is not the point, Sir. Here is a Government which once controlled the Lagos Town Council and which wants to control the Federation. It must start by pleasing workers in Lagos where we have the biggest collection of workers in this country. The workers say, "you won't have it, we do not trust you". I am saying this because the Minister informed us yesterday that the reason for this Supplementary Appropriation Bill was to provide money for increased wages for the workers.

Oftentimes we on this side of the House have been chided by the Members of the Government party that we promised seven shillings and six pence to the workers and did not give them. We do not do such a thing (*uproar*).....("Shame, shame" from the Government benches). I repeat.....(*uproar*).....Mr Speaker, I seek your protection, Sir. I will repeat.....(*interruptions*).

Mr Speaker: Order, order.

Mr Osadebay: We did not do any such thing. You, Mr Speaker, were a Member of the House of Representatives. Many of you were Members of the House of Representatives at that time. I was a Member. What happened was that one of us who was a Member of the House of Representatives on the other side of the House moved a Motion to *consider*—I underline to "consider"—giving the workers five shillings a day. Then the man who is now the Action Group Chief, Hon. Eyo, while in the Eastern Region, moved the Motion.....

Chief Williams: He was in the NCNC at that time.....(*uproar*).....

Mr Osadebay: His shadow was in the NCNC but his soul was in the Action Group. (*Laughter*). It was Hon. Eyo who got up in the House, you will remember, Sir, and said that if you consider five shillings, why not seven shillings and six pence? We must once and for all nail this idea.....(*laughter*)... It was hon. E. O. Eyo, friend of the Action Group, who moved the Motion.

Government Members: Where is the manifesto? Produce it.

Chief Williams: All right, You promised television, where is it?

Mr Osadebay: While we were finalising plans you ran away and got television which will not last long. When we get television in the Eastern Region, it will last for all time. It is no fault of our Government that the Eastern Region does not produce cocoa.

Chief Williams: It is.

Mr Osadebay: The Government here is sitting pretty on cocoa. That is what is happening. You can get helicopters, television, you can get all these things from cocoa money, but they have not got cocoa money(prolonged laughter).

They are very kind over there in the East. They made their promises knowing that in their own good time they would be able to fulfil these promises. Whenever the Eastern Region promise a thing for their people, before they can find the money to do it, we in this Region rush to do it because we can get the money.

Mr Speaker, Sir, before sitting down, I want to say again very seriously that this Government must stop giving the appearance that we are not a part of the Federation of Nigeria.

Chief Williams: The Premier of this Region is going to be the Prime Minister of an Independent Nigeria.

Mr Osadebay: We of the NCNC are producing the first Prime Minister.

According to the saying that "majority carried the vote", and as it is true that majority carries the vote, whenever this Government sends representatives to the Conference of the Nigerian family of Governments, if three or four Governments decide on an issue, let them at once toe the line of family.

Government Benches: You would toe our line in this House because we are in the majority.

Mr Osadebay: What I am saying is, here in this House, whenever a decision is taken it is your decision that is accepted and whenever it is accepted it is the decision of this House. We should not forget that the strength of the biggest chain is in its weakest link. If we say because we have money we can go ahead and leave the North, the East, the Southern Cameroons and the Federation, behind, it would not be good and it is not wise. I am saying, Mr Speaker, Sir, that it would not make for unity and we are praying for the unity of this country.

With these few words, Mr Speaker, Sir, I support the Bill.

Chief F. Oputa-Otutu: Mr Speaker, Sir, yesterday, the Minister of Finance told this honourable House that the sum of £32,810,702 has been approved for the services of this Region and he now requires an additional sum of £2,421,380, in order to be able to meet the expenditure of the Government by the 31st March, 1960.

In the course of his speech, Sir, he made reference to the ten per cent award to all classes of workers, to the Television net-work which has now been established in the Region. Mr Speaker, Sir, I should first of all pay tribute to this Government for making up its mind and for having commonsense and having regard for public opinion by introducing programmes for a wide policy of employment to which in fact for the past eight years it has been indifferent. This Government owes it as a duty to thank the Opposition for constantly calling its attention to its duty which it has so far made.

Mr Speaker, Sir, as far as I am concerned, the building of good roads in this Region or in other Regions is the most urgent and sacred duty of any Government of the Federation of Nigeria which claims to be a nationalist Government. So Sir, it is said that it is better late than never. I feel, Sir, that I should call the attention of this House to this remarkable change in the attitude of the Government.

Now, Sir, referring to the ten per cent award, while I agree with this Government for taking prompt action to make this award, I completely disagree with this Government for giving the ten per cent award to all classes of workers. Sir, the highest pay of any daily paid labourer in this Region is £78 per annum. For the purpose of easy calculation, let us say or call it £80 per annum. Ten per cent award means in this case £8 per annum. To some senior civil servants, Nigerians inclusive—and there are many of them now who earn about £2,400 per annum—ten per cent award is about £240 per annum. (*Government Benches: They are not getting the ten per cent award.*) In any case, Mr Speaker, Sir, to those who earn more than £1,000 per annum..... (*Government Benches: Was the payment not made in the East?*) Mr Speaker, Sir, I am speaking this time not as a party man but as a Nigerian and as one who has been a civil servant.

Chief Williams: Where did you serve?

Chief Oputa-Otutu: Mr Speaker, Sir, I feel Sir, that it is a rather unfair and unreasonable award to those who earn big salaries. Both the junior and the senior civil

servants buy from the same market. The butcher sells his meat to all and sundry at the same price—2s 6d per pound; it does not interest him whether you come to the market by an American car or the Russian sputnik.

Government Benches: Or by helicopter. (*Interruptions and laughter*).

Chief Oputa-Otutu: Mr Speaker, Sir, the workers of the Federation of Nigeria are fully justified in pressing further for a reasonable award and that those who have received too much should this time receive nothing. After all, the senior civil servants did not initiate the agitation for increased pay and why should they now reap where they did not sow?

Mr Speaker, Sir, as I have said earlier, I am speaking as a Nigerian and one who has been a civil servant and I feel that it absolutely unjustified to award ten per cent to senior civil servants.

Now, Sir, I would have supported their going on strike any moment from now but for the fact that the Federal Election is around the corner, their good intention might be jeopardised. I feel that it is really important to emphasise this point that ten per cent award to all classes of workers is unjustified and workers who are now pressing for a fairer award are justified and if they go on strike, the Almighty God will be with them but it is unfortunate that this strike has been arranged between now and the Federal Election and as I have said their good intentions may be misinterpreted.

Now, Sir, the Leader of the Opposition has made some references to the appointment of a commission of enquiry. As we all cry about one country, nothing yet is coming out of the Television which has now been established in this Region. As far as I am concerned, I feel this is an unnecessary luxury and I only hope and pray that all the Television Programmes which have been embarked upon by the Federation will one day fail and all this Television network will be abolished and Rediffusion services will be established to all the rural areas, better roads and electricity will also be extended to all parts of the Federation of Nigeria, and good water will be available and people will be able to enjoy good drinking water. This unnecessary luxury is already creating some classes of brokers.

Sooner or later, Sir, you will find that many people cannot afford to buy television sets, and the next thing will be to buy on hire purchase and some will be in debt and some will go a-borrowing. Mr Speaker, Sir, I am not necessarily attacking the Government of

Western Nigeria but what I am trying to say is that this programme will fail and that money should be released for better services for this country. There is no necessity for any television service in this country. Great Britain started television only seven years ago—in 1952. (*Government Benches: That is untrue*). The first television service started in America and later on Great Britain took it up but it was only just of late—not quite ten years ago or so; and you can imagine the difference between the standard of living which has been attained by the British people and that of our people. So, Mr Speaker, Sir, let us stop spending our money on foolish and unnecessary things. South Africa has been exporting cars and exporting them to Nigeria. Have you been able to manufacture a pin? (*Government Benches: Yes*) Even toy cars—we have not been able to manufacture toy cars but we embark on television. Now the result will be that you put many more people into debt. The only people who are going to benefit from it will be the U.A.C. They will bring television sets to Nigeria for sale at about £120 each and offer to sell on hire purchase. People will then go to borrow and after some time moneylenders will be chasing them for the refund. They will not even enjoy the television.

Mr Speaker, Sir, I should like to repeat that it is in the interest of the people of the Federation of Nigeria that this Government and other Governments who are now embarking on this project should take care and try to be more reasonable and provide only those things that are necessary for the people of this country.

Mr Speaker: Order, Order, I hope hon. Members will sit in their proper positions to enable me to recognise them. (*Mr A. Adisa then got up from a seat and left the Chamber*).

Chief Oputa-Otutu: Mr Speaker, Sir, before I resume my seat, Sir, I should like again to repeat that we are indeed happy that this Government has now embarked on a wide road development programme and I do hope that they will press this action further to ensure that before 1961 all the scheme must have been completed. I am indeed very grateful to the Government for its intention to tar the roads in my Division.

Mr Speaker, Sir, I will not fail to mention that I hope that we shall stop spending our money on unnecessary luxuries and also that the award of 10 per cent cost of living allowance to all classes of workers is unjustified in all parts of the Federation. The poor workers who receive very poor salaries should get more money and those who have

been earning better incomes should this time get nothing or less. Well, Sir, with these few (*Government Benches: Few?*) remarks I beg to take my seat.

Chief A. Enahoro: Mr Speaker, Sir, may I make just one or two remarks on television. It seems that either the hon. Member misunderstood the purpose of this television or that he deliberately misrepresented it. It has been explained time and again that our television is unlike the one the NCNC Government of the Eastern Region proposes to set up. Here it is a commercial enterprise and the hon. Member is a commercial man himself. We have invested in it only on a 50/50 basis. Our partners from the United Kingdom are not here for pleasure; if they were not satisfied that it is going to pay they would not have come. Surely it is one of the means of making money. The hon. Member is only thinking of the entertainment aspect of television. It has been said again and again that apart from the commercial aspect we also have an educational interest in it. It is an extension of our free primary education system. I think, Sir, I explained in this House some weeks ago that in an entire country they are using only four teachers to instruct all schools. Well, we hope that in the future it will be possible to do the same in this Region.

Take for instance, we have found it difficult to find people to teach French. It is possible to cover all the people within a television area and teach farmers and members of co-operative societies basic farming methods. It will be completely wrong for people to get the impression that this is a luxury and that it is not going to pay.

Chief J. A. O. Odebiyi: Mr Speaker, Sir, the hon. the Leader of the Opposition has castigated the Government for not coming to terms with the Federal Government on the issue of cost of living allowance for workers. I must say, Sir, that the sequel has borne the stand which the Western Region Government has taken in this matter. It was true, Sir, that the Premier of this Region as the Leader of the Action Group made a statement sometime ago that if the Action Group were voted into power they would see to it that there was a revision of scales of salary for workers. I suppose that the Premier of Eastern Nigeria thought it was an object of electioneering campaign against his own Party and certainly went to the Government of the Federation with that intention and got them round that the Government of the Federation should review the salaries of its own workers. He then sent a letter to the

National Council on Establishment through the Prime Minister's Office telling them that it was necessary and desirable that if a revision of salaries was to be conducted in Nigeria it should be done by all Governments of the Federation at the same time. At the meeting which was held to discuss this matter we told the Federal Government that it was not desirable to take unilateral action in this matter and the point which I made in that meeting was backed by all the representatives of the Federation but we laid down certain conditions. One, that the question of national minimum wage ought to form part of the terms that the Revision Commission should consider and, secondly, that they must consider the question of relativity—the relationship between professional classes and workers—that is what I mean, Sir, by a question of relativity. The Prime Minister said he could not commit the Federation as to what their proposed terms would be but he would soon communicate us. Then we had a letter saying that the Federal Government was not prepared to consider the question of a national minimum wage. It was at that stage that we decided that we were going to have our own salary revision.

Now, before we announced the rates of the cost of living allowance the Federal Government, we were told, had a discussion with the Trade Union Congress over interim award in anticipation of the completion of the review of salaries and wages of civil servants although this was a matter which was a concern of all Governments in the Federation. The Council of Ministers never informed us what those negotiations were although we have the National Council on Establishments as the forum through which any such decisions might be arrived at by all the Governments in the Federation. No meeting of that kind was called. We were not told of the decisions with the Trade Union Congress and so the Western Region Government had to make its own award bearing in mind the rise in the cost of living since the Gorsuch award. It was at this stage, Sir, that we decided on what to consider as the appropriate rate and we then agreed that we were going to give ten per cent to all our workers.

Two points emerged from this decision. By giving ten per cent increase to the wages of the workers their minimum wage had therefore increased by six pence. Even though other Governments give ten per cent increase to the minimum wage of their workers none of those Governments has raised the minimum wage to the level of the minimum wage of the Western Region before the cost of living allowance. The Federal Government has awarded ten per cent which

[CHIEF ODEBIYI]

is 4s 2d plus about 5d which has only come up to 4s 7d whereas we have now raised the minimum wage of workers in this Region from 5s to 5s 6d. So, to use the words of a political colleague, we have given the other Governments more lee-way to make up.

Secondly, we have considered whether it is necessary for us to give what I call some allowance to the Civil Servants above the Scale A maximum, which is £1,380. It was considered by Government that the degree of hardship in the upper rungs of the Civil Service ladder was not as high as that in the lower rungs, and therefore, we limited the 10 per cent Cost of Living Allowance to all workers who are on a minimum wage of 5s and all Civil Servants from zero to £1,380 per annum. But we discovered that we had to make adjustments in respect of officers who are in Groups 8 and 9 because by adding 10 per cent to the salary of an officer who was earning £1,380 per annum we would be placing him higher than an officer in Group 8 who was formerly senior to him, and was earning £1,500. In this respect, we gave this adjustment in order that they should not lose their seniority. For instance, to officers who are on salaries of £1,434 per annum, we gave £90 by way of adjustment and to officers on £1,488 we gave them £42 and to officers on £1,500 we gave £36 per annum, because if all that were not done, it would cause ill-feeling to those officers who had been on a higher rate.

That, Sir, in brief, is the history of how the Western Regional Government had to decide on conducting its own salary review separately.

Now, a point I want to make on the National Council on Establishments. The National Council on Establishments is an advisory body and what normally happens is that there we try to get each other's views and these views are not binding on any Government. It is left for each Regional Government to decide whether the agreement reached at the National Council on Establishments will be acceptable, bearing in mind the length and breadth of his own affairs. Now, Mr Oputa Otutu has suggested that he would support the workers if they wanted to go on strike. I say, with very great reverence to him, that that is a very irresponsible statement for a politician of his standard to make. There is no doubt that if the workers go on strike, both the NCNC and the Action Group and the whole of the country would suffer. And since all the Governments of the Federation have agreed

that ten per cent interim increase was considered adequate, it will be left for all various Reviewing Bodies to consider what further adjustments could be made. We have not deviated from the agreement which has been reached in respect of those who should be given some measures of relief.

Question put and agreed to.

Bill accordingly read a Second time and ordered for Committee now.

In the Committee.

FIRST SCHEDULE

Question proposed that the sum of £4,580 under Head 322—Premier's Office—stand part of the Schedule.

Question put and agreed to.

Question proposed that the sum of £43,485 under Head 323—Treasury—stand part of the Schedule.

Question put and agreed to.

Question proposed that the sum of £94,715 under Head 326—Ministry of Agriculture and Natural Resources—stand part of the Schedule.

Question put and agreed to.

Question proposed that the sum of £8,620 under Head 327—Ministry of Economic Planning—stand part of the Schedule.

Question put and agreed to.

Question proposed that the sum of £550,605 under Head 328—Ministry of Education—stand part of the Schedule.

Question put and agreed to.

Question proposed that the sum of £92,150 under Head 329—Ministry of Health and Social Welfare stand part of the Schedule.

Question put and agreed to.

Question proposed that the sum of £20,500 under Head 330—Ministry of Home Affairs—stand part of the Schedule.

Question put and agreed to.

Question proposed that the sum of £200 under Head 331—Ministry of Midwest Affairs—stand part of the Schedule.

Question put and agreed to.

Question proposed that the sum of £2,200 under Head 332—Ministry of Justice—stand part of the Schedule.

Question put and agreed to.

Question proposed that the sum of £13,470 under Head 333—Ministry of Lands and Labour—stand part of the Schedule.

Question put and agreed to.

Question proposed that the sum of £294,640 under Head 334—Ministry of Local Government—stand part of the Schedule.

Question put and agreed to.

Question proposed that the sum of £25,030 under Head 335—Ministry of Trade and Industry—stand part of the Schedule.

Question put and agreed to.

Question proposed that the sum of £69,335 under Head 336—Ministry of Works and Transport—stand part of the Schedule.

Question put and agreed to.

Question proposed that the sum of £4,480 under Head 337—Audit—stand part of the Schedule.

Question put and agreed to.

Question proposed that the sum of £11,075 under Head 339—Judicial—stand part of the Schedule.

Question put and agreed to.

Question proposed that the sum of £530 under Head 341—Local Government Service Board—stand part of the Schedule.

Question put and agreed to.

Question proposed that the sum of £1,225 under Head 342—Public Service Commission—stand part of the Schedule.

Question put and agreed to.

Total—£17,616,385.

Second Schedule

Question proposed that the sum of £119,700 under Head 701—Buildings—stand part of the Schedule.

Question put and agreed to.

Question proposed that the sum of £55,870 under Head 702—Roads and Bridges—stand part of the Schedule.

Question put and agreed to.

Question proposed that the sum of £14,685 under Head 703—Urban Water Supply stand part of the Schedule.

Question put and agreed to.

Question proposed that the sum of £1,000 under Head 704—Rural Water Supply—stand part of the Schedule.

Question put and agreed to.

Question proposed that the sum of £200,000 under Head 705—Loans—stand part of the Schedule.

Question put and agreed to.

Question proposed that the sum of £80,000 under Head 706—Education Building Grant—stand part of the Schedule.

Question put and agreed to.

Question proposed that the sum of £106,250 under Head 707—Special Medical Development—stand part of the Schedule.

Question put and agreed to.

Question proposed that the sum of £307,035 under Heads 724-738—Other Non-Recurrent Expenditure—stand part of the Schedule.

Question put and agreed to.

Total—£884,540.

Clauses 1 to 3 agreed to.

Mr Speaker resumes the Chair.

Bill reported wit out amendment read the Third time and passed.

REPEAL OF THE CUSTOMARY COURTS LAW, 1957

Mr G. I. Oviyasu: Mr Speaker Sir, I rise to move a Motion standing in my name—

“That in view of the fact that most of the Customary Laws in the Western Region are not codified, this honourable House reject as anachronistic the Customary Courts Law, 1957.”

Mr Speaker Sir, the spirit of this Motion is the abolition of Customary Courts from this Region. The 1957 Customary Courts Law gives power to the Minister to establish under warrant any customary court. Therefore if the law is repealed, such power ceases and the resultant effect is the abolition of Customary Courts in this Region.

Viewed against the background that the Customary Courts in this Region constitute in the hands of Government an instrument of nepotism, political oppression, victimisation and intimidation, this Motion, I am sure, Sir, will be welcomed as momentous and timely.

Before exposing some of the anachronisms and futilities of this Law, I should like to say that it really is not much of an improvement over the old native courts ordinance which it replaces.

Point No. (1) (a) Under this law the separation or distribution of powers is not recognised. Democracy is geared on the principles of distribution of the three powers—separate judiciary, government legislature and the Executive.

We do know that dictatorship results when these three functions are performed by a

[MR OVIASU]

single body. In Western Nigeria, it is a common practice to appoint councillors as customary courts presidents (wrongly styled "judges"). The Customary Courts Law, 1957, does not rule against the appointment of Councillors as Customary Court Judges. It is also significant to note that these Councillor-Judges are members of the Action Group Party. The evils that most of these judges perpetuate can better be imagined than described. To cite a few examples—at Amai in Kwale District recently a Customary Court Judge prosecuted NCNC men and women for singing and dancing and drumming while they were receiving their Party Leader—Dr Azikwe.....

Chief Williams: On point of Order, Sir, I do not think that it is proper for the hon. Member to criticise the conduct of a judge of a Customary Court in the performance of his judicial duties. He should file a substantive Motion to that effect if he wants to, but he cannot just come here and cite some remote town in some remote part of the Region without any notice whatsoever and cast aspersions on the performance of the judge concerned. I think, Sir, it is not only improper, but it is a very wrong way of attacking the Judiciary.

Mr Oviasu: Mr Speaker Sir, I was just referring to an incident that happened somewhere in the Western Region recently where a customary court judge—in fact, I mentioned nobody, I mentioned no judge, but I stated what actually happened in this Region, so I think I am in order.

Mr Speaker: The conduct of a judge will not be debated here unless upon a substantive Motion.

Mr Oviasu: Mr Speaker Sir, in another area, a man was charged within this Region for concealing an infectious disease. This man who was issued with a discharge certificate by the medical superintendent who certified that he was fit to live among clean persons was charged because he failed to join the Action Group Party; he was victimised, charged and jailed.

Chief Williams: On point of order, the hon. Member has just been overruled and it is impertinent for him to repeat what has just been overruled. Whether you mentioned names or not, you are not entitled to criticise the conduct of any judge in the performance of his judicial function.

Mr Oviasu: Mr Speaker, Sir, I am just trying to expose the.....I have not mentioned anybody, I have not pointed to anybody in particular.

Chief Williams then quoted Standing Order 27 (8)—

"The conduct of Her Majesty, Members of the Royal Family, the Governor-General, the Governor, Members of the House and Judges or the performance of judicial functions by other persons shall not be raised except upon a Substantive Motion....."

Chief Williams: Now Sir, I think this rule is perfectly sensible. It is quite easy for an irresponsible person to come here and cite an imaginary case and give publicity to it. If any judge misconducts himself in the performance of his functions, it will be proper for the hon. Member to file a substantive Motion calling attention to the misconduct of the judge concerned and raising it on the floor of this House. By notice of that Motion, I will make an enquiry, and I will come to the House and give the facts and figures of the case. If the judge has indeed been guilty of misconduct, it will not be my duty to support him, and any Motion passed by this House will be noted by the appropriate authority, whether it is the Judicial Service Commission or the Local Government Service Board, but judges in this Region ought to be treated properly and their authority maintained. But if it is thought that anyone of them is guilty of misconduct, I dare say, Sir, that it is proper to debate their conduct in this House, but it must be done properly, and it is improper for the hon. Member merely to cite vague instances without any facts or figures. If he wants to challenge the conduct of any judge, he is at liberty to do so, Sir. Let him file a substantive Motion and not hide under the cloak of the privilege of this House. If he files a substantive Motion, I will then know the facts and figures, and will make enquiry and you can hear both sides of the case. Is it fair to state a case against these judges without my being in possession of the facts to defend these people? Is that fair? I would say, it is not.

Mr Oviasu: Mr Speaker Sir, I know that the Minister of Justice is doing all he can to crush this Motion.

Chief Williams: Mr Speaker Sir, I am not crushing anything (*Interruptions*). I do not know what you were going to say and I object to your imputing motives to my objections.

Mr Speaker: I still maintain that it is not in order.

Mr Oviasu: Mr Speaker, Sir, I must remark that the attitude of Government at this stage makes it very difficult or rather almost impossible for me to go any further.

Mr Speaker: This Motion to the best of my own knowledge concerns Customary Courts; it does not concern a court judge—that is why when it comes to the matter of a particular judge doing something in his court by way of the functioning of the court and his own conduct therein, I rule that a Motion on that particular conduct or that particular function has got to come separately before this honourable House and be debated in full, and that is why I still overrule that particular Motion.

Chief Williams: Mr Speaker Sir, may say that the Leader of Opposition and his Deputy seem to think we want to crush this Motion. But have they read the Motion? He says Customary Court Law should be repealed because Customary Laws in the Western Region are not codified. What has that got to do with the conduct of judges? *(Interruptions)*.

Mr Osadebay: But the point is that I have not advanced arguments for the Motion *(Interruptions)*.

Mr Speaker: I have made my ruling.

Mr Oviasu: I have arguments for my Motion.

Mr Speaker: Order, order, I have made my ruling and that is all.

Mr Oviasu: There was another place in this Region, Sir, a village where some women were charged and sentenced for.....

Chief Williams: On point of order Sir. It is an improper conduct on the part of the hon. Member. He is still defying your ruling. He is defying the ruling of the Speaker. This House has never behaved in that manner. I am surprised that the Leader of the Opposition supports him.

Mr Speaker: Order, order. I think hon. Members will co-operate with me for decorum in the House. I have ruled. I do not accommodate any more controversy over my ruling either from the Government side or from the Opposition side.

Mr D. C. Osadebay (Leader of the Opposition): I have just told him that we should obey the Speaker's ruling. He was not deliberately trying to disobey but he is finding himself in difficulties *(laughter)*.

An Hon. Member: Withdraw your Motion, after all you are a Chemist.

Mr Oviasu: According to your ruling Sir, I am not going to cite an instance. It is sufficient to say that the Government is using these courts to attain political objectives which they could not obtain from the Magistrates' Courts and High Courts. There was a time last year when the Premier of this Region was forced to launch attacks on the Judiciary because the late Alhaji Adelabu was not convicted of any of the many charges against him in the Magistrates' Courts.

Mr Speaker: I think I should call the attention of the hon. Member to the terms of the Motion. The terms of the Motion are that because certain laws were not codified the Customary Courts have got to be scrapped. I have not seen anything like that in the speech of the Mover of this Motion.

Mr Oviasu: I have tried to expose what I consider bad in the Customary Laws, 1957 and that is what I am still trying to do. Another point about the Customary Law. Most of the powers vested in the Minister who is a politician and also a legislator are definitely the executive functions of the Chief Justice. I wish to touch other points in the Law. The appointments of judges are made by the Local Government Service Board. My impression which has been clearly shown is that.....

Mr Speaker: I beg your pardon. I still maintain that this is not about codification. Perhaps you would not have limited yourself within such a small circle if you had not put up your Motion in its present form but as things are I shall not allow you to go beyond the particular circle which you have prescribed for yourself. *(Shouts of "codifier, codifier")*.

Mr Oviasu: Most of the laws in the so called Customary Courts Law.....

Hon. Members: Sit down! sit down!

Mr Oviasu:in this Region are not codified. During the Second Reading of the Bill which is now the Customary Courts Law the Minister of Justice said that hon. Members should know that apart from what is called customary laws, the Customary Courts are entitled to administer statutory laws. Note that the emphasis is on the administration of native laws and customs which are unwritten. These include criminal and civil cases. Three questions need to be posed:

[MR OVIASU]

(a) Is it right for these courts to administer statutory laws?

(b) Is it right, fair and just, modern, democratic that these courts should try persons for criminal cases under unwritten laws?

(c) Is it right or wise and just that these courts should try persons for civil cases under unwritten laws?

To answer the first question you will like to know what statutory laws are claimed enforceable by customary courts. Page 95 of Customary Courts Manual refers:—

Criminal liability for offences relating to unlawful assembly;
breach of peace,
administration of justice,
Escapes,
obstructing officers,
idle and disorderly persons,
rogues and vagabonds,
assaults, violence, reputation of individuals endangering of life, liberty, slave dealing, stealing, personation, Forest Ordinance, Road traffic, Waterworks Ordinance and Local Government Law, etc.

The trial of these offences by certain grades of customary court members means the usurpation of the powers and duties of trained professionals—magistrates—and over and above you can clearly see that overburdened with heavy legal technicalities for which they lack the requisite training, the customary court judges will continue to err in law and in justice. Finding himself hopelessly in the morass of bewilderment of his own making, the Minister of Justice set out recently to defend in a series of articles the defective child of his own creation.

To answer the second question I should like to inform this honourable House that Government answered "No" on 3rd September, 1959. The Government announced that as from that date no person would be tried for criminal offences under any unwritten law. The effect of that announcement is the bringing into bolder relief the argument I have hitherto been advancing. It also goes to prove that on legal matters the Opposition of this House is more perspicacious, *i.e.*, has a clearer mental vision, than the Government. Our lively debate on the Second Reading of the Law proves this to be true.

To answer question 3 please note that it will not be right in a modern civilised state to cite unwritten precedents. Here are some. It was customary for an Oba to

declare any beautiful lady his wife, for a widow to raise offsprings for her late husband by the brother of her late husband, for a son to inherit the childless wife of his late father, to make a debtor work for life in a creditor's farm or until such time as he is able to refund the loan or for any length of time agreed upon, to absolve a person from an offence if he takes oath to the effect that he did not commit the offence or crime.

These customary precedents, unwritten, are not modern, not progressive. The Customary Courts Law, 1957, is silent on the administration of such civil laws. Under the circumstances room is open to reckless abuse and mal-interpretation of the native laws and customs which are not codified. This ugly situation can be removed by codifying into bye-laws the progressive and widely accepted customary laws of the area. Lawyers call this *lex siter*. Why has the Government not done this to cover all the phases of life of the people of Western Nigeria?

Conclusion, summary and recommendations:

I Customary courts are not necessary in this Region because—

(1) the law under which they (600 in all) are established is ill-conceived, defective and anachronistic;

(2) because it is unwise, unfair, unjust, undemocratic and unprogressive to try a person under any unwritten laws.

My recommendations therefore are—

(1) immediate repeal of the Customary Courts Law, 1957.

(2) immediate abolition of customary courts (a mere corollary).

(3) immediate codification of the land, marriage, laws and customs and other civil matters according to the ethnical or anthropological groupings of the inhabitants of Western Region.

(4) immediate appointments of special grade magistrates to deal with those bye-laws which are geared on the customs of the people.

(5) these special grade magistrates courts shall not try criminal cases.

Mr Speaker, Sir, I have proved my case. I have no doubt that all right thinking persons in this honourable House will not hesitate to support this timely and momentous Motion which I have the honour to move.

Mr Amadasun: I beg to second.

Question proposed.

Chief Williams: The Motion reads:

"That in view of the fact that most of the Customary Laws in the Western Region are not codified, this honourable House reject as anachronistic the Customary Courts Law, 1957"

It is not strictly correct to say that customary laws are not codified. There is a large number of offences which are offences in customary law which are equally offences under the Criminal Code. I know it that in this part of the Region it is a crime to steal. (*Laughter*), and that offence is contained in the Criminal Code. I am invited by my hon. Friend to say that in this part of the West, it is a crime to commit homicide..... (*laughter*)..... So it is incorrect to say that customary laws are not codified; parts of it are codified.

In addition the hon. the Leader of the Opposition argued that the customary law does not recognise the principle of the separation of powers. I want to know what he means by that. I have occasion to say in this House that the arrangement in regard to the customary courts in this Region are better and more in accord with the decisions of the Constitutional Conference in London than anywhere else in the Federation. It is only in this Region that we have an independent Board for the appointment of customary court judges. I would have brought names of judges to this House who have been appointed on the recommendation of hon. Members of the Opposition.

Opposition Members: How many?

Chief Williams: So many. The hon. the Leader of the Opposition also said that Government never made a statement that Customary Law does not administer unwritten law. What I said in this House was that an amendment has been introduced to the Customary Law to the effect that no customary court can try any person for an offence unless that offence is embodied in a written law. In other words, a person cannot be tried for an offence under unwritten law. That applies in criminal cases. All our Local Government Councils possess the power of declaring native law and custom in any area under their jurisdiction. If our hon. Member wants it to be written, he should go to Benin and have it written in the area of jurisdiction of his Council. The power is there in the Local Government Law. The Leader of the Opposition also knows that customary courts also administer statutory law. He argues that this should not be so.

He argues that that is not the position in the East. It is only right and proper that we should do what is done in other parts of the country. Mr Speaker, Sir, I beg to oppose the Motion.

Mr Oviasu: I think this Motion is very straightforward. Customary laws in this Region are not open to any mass interpretation of the law. There is the ugly confusion when local councils make bye-laws. In the final analysis this will eventually go to the Ministry of Justice for approval, and publication in the Gazette. I have instances in my council. I have submitted many.

Chief Williams: Against the landing of a helicopter?.....(*laughter*)

Mr Oviasu: For two years they have been lying in the Ministry, unapproved, not to talk of publication.

Chief Williams: If they were sent to my Ministry, I am not surprised. The proper place is the Ministry of Local Government.

Mr Oviasu: This is because they come from an enemy council.

Chief Williams: Are you an enemy council?

Mr Oviasu: You regard us as an enemy council.

There are two principal anthropological groups in this Region—the Yorubas and the Edos. Let the Government find out what customary laws are in these places and then codify them. Then and only then can the Minister of Justice claim that ignorance of the law is no excuse from liability. We have pointed out that it is wrong practice to appoint councillors as judges.

Chief Williams: Quote instances.

Mr Oviasu: These traditional members are councillors.

Government Benches: They are neutrals.

Mr Oviasu: Although not elected, they are councillors. I think the Minister of Justice knows that as a lawyer.

Chief Williams: I do not.

Mr Oviasu: You had better go to learn more law.

Chief Williams: I shall come to you to learn.....(*laughter*).

Question put and negatived.

**FINANCE AND PRINTING
CORPORATIONS, WINDING UP OF**

Mr. A. K. Onwude: Mr Speaker, Sir, in making this Motion I am to dwell strictly on the frivolous spending of public funds by these Corporations without due regard to economy. I refer to the Third Annual Report and Accounts of the Western Region Corporation published in 1959, and covering 1957-58. On page 3, paragraph 15 it is shown that the Corporation took up 250 shares in Messrs G. L. Gaizer and Company but the report fails to disclose the total so as to enable one to know whether the Finance Corporation is holding controlling shares in the venture, and to know what expenses were incurred, by the Directors and management.

It is regretted that the report did not contain such information like a balance sheet and public trading, only the account of Messrs G. D. Gaizer for the year prior to our taking up a quarter of the shares.

Sir, this is reckless, indiscriminate and uneconomic investment of public funds. I say this is reckless because no attempt was made by the Government to inform the public before the investment was made. All that we know from other sources was that Mr G. L. Gaizer was on the point of liquidation. I say it is indiscriminate because no information is available before this House to show that G. L. Gaizer acquired enviable volume of trade and profit to justify the investment of public funds there and which might determine the price payable on their shares.

Sir, I do not want to be misunderstood. It is agreed that capital is required in this country and that foreign capital with local participation is demanded but this is a case where foreign capital has failed and a mad rush was made to throw public funds into a sinking fund. It is uneconomic in that for a considerable time now the import figures of Messrs G. L. Gaizer have fallen by 75 per cent which indicates less turnover, less profit yield and of course, no dividend for the shareholders.

Sir, I will not quarrel with the membership of the Board since it is accepted that to qualify for membership of Board, one must possess an Action Group Card. Nevertheless, I have great respect for the members of the Finance Corporation some of whom are keen and successful business men in their own fields and, before going further, Sir, I must register deep appreciation for the work done by the Director of Audit

contained on page 8, Schedule C of the Report, which with your permission I read in part —

“Property mortgaged to the Corporation as security for loans is not, in all cases, currently insured.

The Assets reflected in the Balance Sheet under items ‘Debtors’ and ‘Judgement Debtors’ totalling £33,488 1s 9d represented overdue instalments of capital and interest. The total reserves amounted to £55,219 6s 10d.”

Included in the figure of £106,000 17s 9d in the Balance Sheet for cash is an amount of £10,324 12s 4d representing cash held at twenty-five different centres in the Western Region. Certificates as to the existence of this amount have still to be seen. Annual Statements as required by section 35 of the Law have not been seen. The share certificate for the investment of £60 in the Epe Boatyard Company has not been seen”.

The conclusion one can draw from this report is that either the Corporation Staff are so inefficient or inexperienced as not to be able to produce all the information required by the Auditor or there exists a deliberate tendency to conceal the facts from the Auditor, thus making his work tediously impracticable.

Sir, since the above report was published what step has the Minister of Finance taken to correct the anomalies such as the expressed fear of the Auditor that security offered by Borrowers are not correctly insured, which means that capital, interest and security will all be total loss in the event of fire and other elements.

For instance the report has disclosed that on 31st March, 1958, a total of £491,410 was approved for Loan, out of which £476,612 was paid and that outstanding for collection at the time of the report was £298,788 of which £50,000 was overdue for recovery including interest.

This means that this £50,000 overdue is on its way to becoming a bad debt if the securities for that are not insured year to year.

Mr Speaker, Sir, I should like to digress. This point was made by the Auditor in the 1955-56 report and the 1956-57 report for which no action seemed to have been taken ever since.

“No current insurance policies could be produced in respect of buildings, machinery and equipment purchased with loans granted nor in respect of any property

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mortgaged to the Corporation as security for loans. Reference to this was made in paragraphs 3 and 4 of the Audit Report on the accounts for the year 1955-56”.

Further Sir, that the Corporation obtained judgement debtors on the following and it strikes one forcefully why so much was loaned out to private individuals, all of whom are Action Groupers.

Chief Williams: The Corporation obtained judgement or Judgement debtors?

Mr Onwude: The Corporation obtained judgement debtors on the loan given out. They obtained judgement for money not payable. Those concerned, to mention a few—

Mr D. O. A. Kupoluyi—£6,757 still unpaid.

Mr Z. A. Adeyemi—£4,999 still unpaid.

J. A. Orege—£4,537 still unpaid.

S. O. Mebude—£4,919 still unpaid.

D. L. Ariyibi—£7,850 still unpaid.

R. A. Jagun—£10,940 still unpaid.

L. A. Sadare—£7,292 still unpaid.

(Interruptions and laughter).

Will the Minister of Finance tell this honourable House the action he proposes to take further to recover the sums unpaid after obtaining judgement for the above debts?

Mr Speaker, Sir, another striking report published at the same time is that of the Western Nigeria Printing Corporation.

From the composition of its membership there is glaring evidence of political jobbery in the appointment of the Chairman.

During the debate on the Housing Corporation, the Government tried to defend its policy of appointing experienced displaced Action Groupers to membership of statutory Boards—This was in respect of Mr Awosika's appointment as Chairman of the Housing Corporation.

Now, Mr Minister of Trade and Industry, tell us the trading experience and technical knowledge of a lawyer, with apologies to lawyers generally, which qualified him for the Chairmanship of the Printing Corporation.

If the Government were not bent on the liquidation of public funds, why was a successful businessman like Chief Oshilaja of Ife Olu fame, a member of the Board or Mr Osoba of Union Press, not made Chairman of the Printing Corporation?

Government Benches: He was a printer.

Mr Onwude: He has never been a printer.

Sir, this confirms the general belief that the ways of the Action Group are difficult to understand. *(Laughter and prolonged interruptions).*

Mr Speaker, Sir, by appointing an inexperienced Chairman to direct the affairs of the Printing Corporation and in order to produce a balanced account, some fictitious figures were injected on the Balance Sheet under an invented and unreasonable heading —“Good Will”—and we are told in that Report that the price paid for this was £24,409. The Printing Corporation did not acquire an existing business and therefore could not have paid for “Goodwill”. To support this view, I will, with your permission quote from the Business man's Guide, page 238. Lord Eldon said:

“Goodwill is nothing more than the probability that old Customers will resort to the old place.”

and Lord Lindly confirms this by saying that “Goodwill” has no meaning except in connection with continuing business.

Now, it therefore follows that the sum of well over £24,000 could not have been spent on Goodwill which never existed before the passing of the Law establishing the Printing Corporation on 1st April, 1957. At this stage I refer to the Auditor's Report on page 5, Appendix A.

The Liabilities reflected in the Balance Sheet under subscribed capital, £153,811 1s 10d appear to have been overstated by an amount of £5,000 which has been accounted for twice by the Corporation.

Debenture stock required by section 15 of the Western Region Printing Corporation Law, 1956, to be issued to Government for a total nominal value equivalent to the sum advanced by the Government to the Corporation to provide for working capital, has not yet been issued for the sum of £148,811 1s 10d so advanced by the Western Region Government.

As a result of the apparent error referred to in paragraph 1 above, the Assets reflected in the Balance Sheet under the item “Goodwill” in the accepted sense arises from a loss on Government trading prior to the formation of the Corporation.

The item, “Finished Goods”, £12,739 9s 5d in the Balance Sheet under Assets is understated by an amount of £147 12s 0d representing the value of returned goods not

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reflected in the stock records. This item for finished goods represents the value of finished stock on hand calculated at the selling price of the articles. It is considered that these items should have been reflected on the Balance Sheet at cost.

The store records were incomplete and it was not possible to verify the existence of whole of the assets "Raw Materials"—£3,147 14s 7d.

I am greatly indebted to the Auditors for the revelation and the point I have to stress is that I totally agree with him that the amount indicated as "Goodwill" is a Loss sustained prior to the formation of the Western Region Printing Corporation.

Sir, at this juncture, I leave the hon. Members of both sides of the House to judge for themselves that the Opposition is indeed alive to its responsibilities and it will therefore be correct to say that the financial position of the Printing Corporation is gravely in a deplorable state of affairs and its account as presented is a bogus statement capable of deceiving and misleading the public who are entitled to know how their money is being spent.

Sir, this report for showing losses brought forward from unknown sources as a price for Goodwill must be rejected.

Hon. Members will also like to know that besides frittering away £24,409 as Goodwill, the Printing Corporation also registered a Trade Loss of £14,000 in its first year of operation.

Sir, what further evidence would you need to reject both reports?

The Minister of Finance and the Minister of Trade and Industry should well be advised now to close down both Corporations to prevent further swindling of Public funds.

Mr Speaker, Sir, I beg to move.

Mr G. I. Oviyasu: Mr Speaker, Sir, I rise to second this Motion. Startling revelations have been made by the Mover. The Motion has accused Government of scandalous waste of public revenue. It is now up to the Government to account for this unjustifiable waste of public revenue. I quite agree with the hon. Mover that it is senseless for a business that has not existed to be credited with £24,000 worth of goodwill. With these few remarks I beg to support.

Question proposed.

Mr Fadahunsi: Mr Speaker, Sir, the Mover of this Motion has ably presented his case and everybody feels that the Government of this Region have not been operating the Corporation in the best interest of the people of the Region.

There is one small point I should like to make: that is on the investment of public revenue in a company.

The Minister of Trade and Industry (Chief A. O. Adeyi): Mr Speaker, Sir, I rise to propose an amendment to the hon. Members Motion in the following terms:—

That the words, "Winding up" in the heading to the motion be left out and the words, "Activities" be substituted; and that all the words of the motion be left out and the following substituted:—

"That this House commends the activities of the Finance Corporation and Printing Corporation and hereby records its profound appreciation of the contribution of these two bodies to the economic and industrial progress of the Western Region".

I am surprised that this type of Motion should be debated on the floor of this House. In any case the Government of Western Region is known for its democratic processes. Every person who is qualified to be in this House is allowed to say anything he likes. It will only be for the reasonable to accept or reject what he has to say.

The Motion asks for the winding-up of the Western Region Finance Corporation on the grounds of what it alleges is the reckless, indiscriminate and uneconomic investment of public funds in unprofitable ventures.

The first point which must be made in reply to these criticisms is that the Finance Corporation's investments amount to only a small percentage of the resources of the Corporation. The bulk of its activities consist of short and long term agricultural development loans and loans for promoting industrial and commercial development. So even if the Corporation's investments were unprofitable, there would still be no justification whatever for winding it up in view of its other functions. For example, during the past five years a total of nearly £2 million has been approved and advanced by the Corporation for a number of purposes. Advances for industrial loans amount to some £170,000; loans for food processing to £150,000; loans for major agricultural purposes—establishment of plantations etc., to over £200,000. In addition, through Local Loans Boards nearly £850,000 has been

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issued as seasonal farming loans and fishing loans, a further £400,000 for spraying equipment and nearly a quarter of a million pounds for cocoa planting. All these loans have been of inestimable value to many hundreds of thousands of people throughout the Region.

Secondly, the Corporation's Law empowers it to take up stock in companies where in its opinion the enterprise is calculated to further the economic development of the Region. This means that if the company is one which is of benefit to the Region, the Corporation may justifiably invest in it even though it may not be immediately profitable.

However, in the third place, those companies in which the Corporation has invested in addition to being of benefit in the economic development of the Region are also in most cases profitable. The Corporation has invested in four companies G. L. Gaiser (Nigeria), Epe Boatyard Company Ltd., Ikeja Arms Airport Hotel and Arab Brothers Motors. The Epe Boatyard and Arab Brothers are wholly owned by the Corporation, the Corporation holds fifty per cent in G. L. Gaiser and eighty per cent in the Ikeja Arms Airport Hotel. The Epe Boatyard was formerly run by the Ministry of Development and was purely a development project and not a commercial one initially. Its objective then as now is to stimulate inland water transport and provide opportunities for training Nigerians in new skills. In its first year of operation as a company under the control of the Corporation, it has however shown a small profit. In the case of the other three commercial companies, careful and thorough examination was made and professional valuation of the assets of the company obtained before any investment was made. Both Arab Brothers and the Ikeja Arms Airport Hotel have had a steady record of increasing profitability in previous years, so no question arises of investment in unprofitable enterprises.

In the case of G. L. Gaiser, it was realised that considerable overhauling was necessary to turn this into a profitable venture but it was considered that an investment in its assets was thoroughly justified because of its proved technical facilities in motor engineering and allied technical business. These facilities represent an essential prerequisite in this country's development programme. It had not been possible for the previous management to utilise these sources of the company to the full because of lack financial backing and credit facilities. The management has been overhauled, increased

trading facilities are being arranged and local engineering staff being trained overseas. While its first year of operation under the Corporation has not been profitable, it will be very short-sighted to wind up the Corporation's interest in this company just at the time when the re-organisation and training of the past year should be bearing fruit.

It is important to realise that the Corporation itself operates at a profit. All its administrative expenses are more than covered from the revenue it receives by way of interest on loans and investments. In this way, all the activities of the Corporation are administered without cost to the taxpayers.

Not only is the Corporation sustaining the essential development of the small industrialists and agriculturists throughout the Region by its credit facilities and also expanding our control of large industrial and commercial ventures by judicious investment but it is also constantly looking forward and seeking out new ways to improve the conditions of the people of this Region. For example, negotiations have now been completed which will result in the establishment of, I hope by January of next year, an Insurance Company providing opportunities for savings and cheap life insurance for all classes of Nigerians not only for the richer sections as it is at present the case with existing insurance companies. This development should be of particular benefit and interest to trade unions and staff associations.

As regards the Western Nigeria Printing Corporation, the Motion makes two criticisms: firstly that it operates wastefully and uneconomically, and secondly that the accounting is unsatisfactory and it implies that this is due to lack of experience of the Chairman. The first point can be answered simply. The Corporation took over from the Exercise Book Factory which was operated directly by Government in 1957/58. In 1956/57, before the Corporation took over, the output of exercise books was 97,000 and a loss of £22,000 was incurred. In the first year of the Corporation's operations, the output was increased to 3,000,000 and the loss reduced to £14,000. Last year output went up to 11,000,000 and a profit of £4,000 was earned. During the current year orders already received and output at present being maintained indicate a total production of 14 million exercise books and a probable profit of around £10,000. All this has been undertaken in conditions of very great difficulty in restricted and highly unsuitable accommodation. The Corporation's new buildings

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are now nearly completed and when operations have been transferred to these buildings, considerable economy in operation should be achieved.

It is clear that the Corporation has steadily improved from the moment of its foundation. The Exercise Book Factory, when operating under Government's control, limited its production to the immediate needs of the Ministry of Education to ensure supplies to the new primary schools. The Printing Corporation has gone ahead on commercial lines and has steadily increased its output, turnover and profitability.

As regards the complaint about its accounts, these were not of course prepared by the Chairman but by professional accountants employed by the Corporation. There is a difference of professional opinion between these accountants and the Director of Audit as to the best way to present the Corporation's Balance Sheet, and this gave rise to the Director of Audit's comment in the annual report. The figures referred to, however, relate to the assets of the Corporation on its creation, *i.e.*, to the period before it took over from the factory, and the Director of Audit is perfectly satisfied with the statement of accounts of the Corporation at the present date.

Far from winding-up the Printing Corporation, Government has recently decided in view of its record of steady achievement that an attempt should be made to expand its activities in association with experienced technical partners. It is hoped that this expansion will include many aspects of the Printing and Publishing business. In this way, the Corporation will be enabled to provide for increased employment and training in additional skills for its labour force as well as playing an increasingly important part in the provision of educational publications.

I should like to assure the hon. Member for Afenmai that all loans to farmers and for light industries are for productive purposes and their desirability has been made more manifest since the loan should be self-liquidating within a reasonable period of time. Furthermore, all our loans are economically justified in their purposes. Loans are given to farmers, examples of which are found all over the Region. Loans are given to industrialists who have gone abroad to study better and more scientific ways of developing our own crops; an example which is very appropriate in this case is the De-Hydration Yam project. We envisage a time when our own finished products will reach a stage of

exportable quantity; Tinned De-hydrated Yam is a most appropriate example. This is now being exported to England and other countries in small quantities. We feel this gives effective advertisement to this country and not only the Western Region. Perhaps the hon. Member is not aware of the purpose for which the West Regional Finance Corporation was established. It was established to give loans in the following manner: Agricultural loans may be made for the following purposes:—

(a) For food crops which can be planted, harvested and sold within the period of one year.

(b) For the purchase of cocoa spraying equipment and chemicals.

(c) To finance through medium-term loans the cultivation of cocoa, rubber, citrus, coal, oil palm and coconuts. Industrial loans are granted for projects such as corn and rice milling, sea fishing, saw milling and the operation of launch services.

The Finance Corporation has been of unmeasured service to our community, it has made possible the amassing of huge amounts of capital for productive purposes. Through its instrumentality, many economic goods, for example cocoa, cotton, rubber, oil palm that might not otherwise have been made available to the general public have been produced in large quantities. It was recently forecast in the United States of America that Nigerian cocoa production might rise soon. This would not have been possible without the invaluable service being rendered through the Finance Corporation.

The hon. Member for Afenmai could not appreciate the excellent work being done by the two Corporations because he has determined to shut both his physical eyes and mental eyes to the good work already done. The farmers and people of this great Region including my hon. Friend's supporters are eloquent of praise for the Government for setting up these two Corporations. Ignorance is as expensive as it is criminal; were my hon. Friend to stay in the Region to learn and know the feelings of the people whom he thinks he represents, he would not have sponsored such a frivolous and groundless Motion.

Mr Speaker, Sir, it is most irresponsible to describe the Chairman of the Printing Corporation as inexperienced. The fact is this—if my hon. Friend applies for the post of a Clerical Officer in the very successful establishment of the Chairman of the Printing Corporation, my hon. Friend knows the

answer; he will not be considered for reasons of qualifications. A petty trader of J. Morrison Sons and Jones Limited would be quite incapable of appreciating the importance of the good work of the Chairman of the Printing Corporation. Apart from being an outstanding Legal Practitioner, he is a very successful businessman whose shining example is a blessing to people like the Mover of this Motion.

Mr Speaker, Sir, I hope from the foregoing explanations that I have made it clear that this Motion is misconceived and based on lack of knowledge of the true facts. I am confident that both these Corporations are playing an important role in the progress and development of the Region and that it would be folly to abandon them.

Chief S. A. Tinubu: Mr Speaker Sir, I beg to second the amendment.

Question proposed in terms of the amendment.

Mr Fadahunsi: Mr Speaker Sir, I rise.....(*interruptions*). What I was trying to say was that in this Region, the way the Government manages the affairs of Corporations and Boards, especially the Finances of these Corporations and Boards, is not in the best interest of the people as a whole. In most cases they manage the affairs of these in the interest of the Members of the party in power. Mr Speaker Sir, there is one small point I would like to make about investments of money, public money, in a company on the verge of liquidation. I said that the Mover of this Motion has ably portrayed the Government and the affairs of the Finance Corporation as well as the Printing Corporation in the Audit Reports which he has read to us. Those points he has made and several names he mentioned—those who owed a lot of money, who are members of the Action Group and have been put to court—and there is no hope of these people returning the money because there was not enough security when the money was being given to them and obviously it will not be paid.

It is said that people who live in glass houses should not throw stones. In 1956, when a Motion was being debated here, a point was raised as to why the Government of the Western Region should invest a huge amount of money in a bank without the prior approval of this House. We were told that that was done because there was no fear about the bank and that the money of the Government was safe in the hands of the bank.

For the reason that the A.C.B.....

Government Benches: What is A.C.B.?

Mr Fadahunsi: African Continental Bank.

Government Benches: Don't be ashamed, call it.

Mr Fadahunsi: Because the African Continental Bank was said not to be running at a profitable basis, that was responsible for the Tribunal in 1956. The Action Group of the West was responsible for that Commission. When the Action Group Government was accused of committing the same offence and that a Commission should be set up, what they said was that the bank in which they invested Government money was a sound one, but now, I do not know how Government is going to clear this. They said that G. L. Gaiser was on the point of liquidation when that Corporation invested public funds in the company. If this is so, how can Government explain its action? Long words and arguments would not help us in this Region. Now the Minister got up and told us a long story.

People owing £10,000 and over could not pay and they are not paying. How will you clear all these debts? These losses will not help us in this Region, and therefore, Mr Speaker, I support the Motion.

Chief Oputa-Otutu: Mr Speaker Sir, when the Finance Corporation was established, we on this side of the House were made to understand that it was going to invest only in industrial projects. I am therefore embarrassed to be informed that this Corporation could invest in commercial enterprises.

Mr Speaker Sir, as I said, the object of establishing the Finance Corporation was to help industrial enterprises, invest in them, and to promote the interests of such industries. I move, Sir, that this should be the last time we hear of investments in commercial enterprises; we want to hear about more and more industries in this Region.

Mr Speaker Sir, I feel I should also make the point with regard to the question of loans. I do hope that the Minister of Commerce and Industries will see to it that loans are given to all and sundry; those who can afford the necessary securities should be given loans.

Mr Speaker Sir, with this very few remarks, I take my seat.

Mr Onwude: Mr Speaker Sir, I must reject the amendment made by the Minister of Trade and Industries in that the operative words in my Motion are being misunderstood, and that I said the Finance Corporation is making reckless, indiscriminate and un-economic investments. The Minister of

[MR ONWUDE]

Trade and Industries is making us to understand that because loans were given to farmers, therefore, the Finance Corporation was carrying out its objective. Nobody denies that but the point thereto is that not all the farmers who are supposed to get these loans are getting them. The Government is only using the Finance Corporation or the supposed loans as a means of winning elections. I will tell you, Sir, that in every district in this Region, you will never find a Loans Committee made up of any other party than Action Group members, and I think the Minister of Trade and Industry should be well informed before making such statements.

On the second point, I am very happy that he admits that the Government has not actually ascertained the facts as to whether it is profitable to invest public funds in G. L. Gaiser and Company. As I said, Sir, to invest a quarter of a million pounds in an uncertainty is a reckless and indiscriminate investment. The Minister would not do that with his own money if he had it.

Mr Speaker Sir, I reject the amendment to the Motion.

Question put in terms of the amending Motion and agreed to.

WESTERN IJAW DIVISIONAL COUNCIL

(Alleged Embezzlement)

Alhadji Adegbenro: Mr Speaker Sir, it would be out of order to debate this Motion. The four persons involved in this case are in court, and any debate on the Motion is likely to prejudice court proceedings.

Mr Speaker: The question is that the subject matter of this Motion is sub-judice as stated by the Minister of Local Government. I believe it is so and I therefore rule that it be not debated at this House, at least at this stage.

(Applause from Government Benches).

VALEDICTORY

Motion made and question proposed, "That the House do now adjourn (Chief A. Enahoro).

Chief Enahoro: I do not know Sir, if I may take this opportunity to say a few words. Whilst I cannot speak with the same confidence that the Premier spoke yesterday on his departure, it is nevertheless likely as hon.

Members are already aware that this is the last occasion on which it will be my privilege to move the adjournment of the House.

Opposition Benches: You will come back here.

Chief Enahoro: Sir, this is definitely the last time, whether or not I win. Sir, as the Leader of the House, I do not think that I should leave here, Sir, without paying tribute to the co-operation which I have received from you, from the Leader of Opposition, from the Clerk and from both sides of the House over the last five years. Sir, I think it has been our privilege to witness great developments in our Parliament in the last five years. We have not only got these great new buildings, but also our spirit marches the grandeur and the architectural design of these buildings. I think, also, that parliamentary practice and procedure have developed greatly in the last few years and, after my recent tour of West Africa, when I saw other parliaments in action, I can say that not only our buildings but our practice here far surpasses what I have seen in the rest of West Africa.

(Government Benches: Hear, hear).

I should also like to pay tribute to the Staff of our Hansard who have worked under great difficulties. One hopes as time goes on, they will themselves improve, and that hon. Members will speak louder to assist them in that development. I particularly wish to thank Members of the House not only for their co-operation, but if I may say so, for the respect with which they have always heard me, and I would like to feel that the same co-operation will be extended to my successor as Leader of the House.

Thank you very much, Sir.

Mr D. C. Osadebay: Mr Speaker Sir, parting is an uneasy thing. Yesterday we were called upon to say our minds because the Premier of this Region was leaving us. I hardly thought that today we would be called upon to be informed that the Leader of the House is leaving us. As a matter of fact when I heard it I made up my mind to say this: that I will go and campaign in Ishan to such an extent that he will not win the election so that he can come back here. But I was disappointed, I was embarrassed that he has said that lose or win he will not come back to this House. I have always regarded all of us here as Members of the same family, people entrusted with the job of what the tax-payers of the Region have asked us to do. At times we had occasion in this House to use hot words, hard words, but

[MR OSADEBAY]

I am sure that Friends on the other side of the House know fully well that we were doing our job. Chief Anthony Enahoro, Minister of Midwest and Home Affairs and Leader of the House of Assembly is one of those we of the Opposition regard as not only a good parliamentarian but as a good Minister (*hear, hear*). When the Opposition says that a Minister is a good Minister that is the best certificate a Minister can receive. We like him. He takes our criticisms and he gives us back but without bitterness. That is one reason why we like him very much. It is a pity that we are losing him, win or lose.

Government Benches: He will win.

Opposition Benches: He will lose.

Mr Osadebay: But we shall meet regularly and wherever he is he will see that he will continue in the service not only of this country, not only of this Region but of Africa. (*hear, hear*). He is one of those young men whom it is nice to sit down and watch performing in this House. He does it sometimes seemingly effortlessly and efficiently. I wish him God's speed. We will be meeting outside this House from time to time. But I do not see why it should be a question of win or lose. In that case it means he will leave this House. We wish him success.

TAXATION

Chief P. A. Afolabi: I am grateful for the opportunity given me to voice my feelings in respect of the taxation policy of this Region.

Alhaji Adegbenro: On point of order. There is no notice of adjournment yet.

Chief Afolabi: I have given notice to the Clerk of the House.

Chief Enahoro: I understand that the hon. Minister of Finance is involved in this matter and if the hon. Member would not mind it, this matter should be raised when the Minister is here personally. That is the time he can reply.

Mr Osadebay: But it is the collective responsibility of the Government. It does not matter whether the Minister of Finance is here or not.

Chief Enahoro: It will be necessary for the Minister to be here since this is a specific matter.

Chief Afolabi: I think the Ministers should be ready for any eventualities.

Mr Speaker: Order, order. On this point the procedure is that a notice of this

kind will need the presence of the responsible Minister. Not only his presence but also he should be here to answer to any charges in the notice. In this case I rule that this notice cannot be heard now.

OWO CONSTITUENCY

BYE ELECTION

Mr Olu Ibukun: Mr Speaker, Sir, I wish to take this first opportunity I have in this honourable House to make a few remarks concerning the rather unusual events that led to my election late in September last. I would like to remind the hon. Members opposite that in spite of the bravados and gassonades of the National President of the NCNC, I was returned on the Action Group platform (*hear, hear*).

An Opposition Member: Lecturer lecturer, go back into the classroom.

Mr Olu Ibukun: During the campaign, Sir, I was an eye-witness at various operations but I will consider only two of these to show clearly to this House the attitude to peace and tranquility in this country of the two parties contesting the bye election. (*hear, hear*). The first, Sir, I would like to refer to as Operation Construction led by an hon. Minister, of course on this side of the House (*hear, hear*). The Action Group team was moving from Ikare to Ishua when we found that a bridge had been completely removed. Little thanks to the evil machinations of the NCNC.

Mr Osadebay: Did he have a gun?

Mr Ibukun: The hon. the Leader of the Opposition is not well-informed about this incident. I was saying that the Action Group team accepted the challenge and with an hour of co-operative effort during which team spirit was displayed that bridge was reconstructed. (*hear, hear*).

Opposition Benches: Sit down, sit down, you are too young to be in this House.

Mr Ibukun: I am not too young to be sent here by my people and to defeat the NCNC.....(*Interruptions*).

Mr Speaker: Order, order. Will the hon. Member for Owo Constituency please speak on.

Mr Ibukun: The second operation, Sir, is a painful story of woe. The NCNC who had imported lorry loads of trained and accomplished hooligans into the area ambushed the Action Group team, beat up and had the audacity to attack even Her Majesty's

Ministers ("shame, shame"). In this respect, I have brought a message from Owo division. We in that area are a peace-loving and law-abiding people and having respect of law and order we give our support only to a political party that maintains that same respect. My people wish it to be known in this House that in our Division, we have absolute confidence in the Action Group Government of this Region. Whether cutlasses brandish, guns shoot or bridges disappear, we pledge our support for the Government and will maintain that allegiance.

Mr Speaker, Sir, there is only one thing more; and that is about the amenities which this Government has provided for my people. We are grateful to the Regional Government for these amenities, but we are still backward

considering the transport, educational, medical and other facilities provided. I am therefore praying this Government for preferential treatment of the backward areas of this Region in the provision of amenities. We can then feel in greater measure the blessings of life more abundant which only an Action Group Government can provide for the entire Federation.

Chief Anthony Enahoro: Mr Speaker, Sir, I regret that I am not in a position to make any remarks about what the hon. Member has said, particularly as I have no notice of this statement.

Question put and agreed to.

Adjourned accordingly sine die at 1.22 p.m.

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1R, 2R, 3R= read First, Second or Third time.
Com = Committee, MCEMotion, QCEQuestion
Am = Amendment

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