

## BILLS.

The Legal Adviser:—I move the first reading of a Bill entitled, "An Ordinance to amend the Survey Ordinance, 1918," so far as the provisions thereof relate to the Colony. This Ordinance repeals section 49 of the Survey Ordinance, 1918, which reads as follows:—

"No Surveyor shall lay out or survey land in which he himself is directly or indirectly interested."

It has been represented to the Government that this restriction would create a certain amount of hardship on private Surveyors.

The Legal Adviser delivered the Bill to the Clerk of the Council.

The Assistant Treasurer seconded.

Motion put and carried. Bill read a first time accordingly.

The Clerk of the Council read the title of the Bill.

On motion duly made and seconded, the Standing Rules and Orders of the Council were suspended to the extent necessary in order to deal with the Bill as a non-contentious one.

The Legal Adviser:—I move the second reading of the Bill entitled, "An Ordinance to amend the Survey Ordinance, 1918," so far as the provisions thereof relate to the Colony.

The Assistant Treasurer seconded.

Motion put and carried. Bill read a second time accordingly.

The Clerk of the Council read the title of the Bill.

On motion duly made and seconded, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

The title and enacting clause were postponed.

Clause 1 was read. At the suggestion of His Excellency the year of the Ordinance was amended from "1919" to "1920."

Clause passed as amended, so far as it relates to the Colony.

Clause 2 and the enacting clause were read and passed, so far as they relate to the Colony.

Title settled: "An Ordinance to amend the Survey Ordinance, 1918."

On motion duly made and seconded, the Council resumed.

The Legal Adviser:—I move the third reading of the Bill entitled, "An Ordinance to amend the Survey Ordinance, 1918," so far as the provisions thereof relate to the Colony.

The Assistant Treasurer seconded.

Motion put and carried. Bill read a third time accordingly.

The Clerk of the Council read the title of the Bill.

Question put that the Bill, so far as the provisions thereof relate to the Colony, do now pass.

Agreed to.

The Legal Adviser:—I move the first reading of a Bill entitled, "An Ordinance to validate certain pensions," so far as the provisions thereof relate to the Colony. The object of this Bill is to permit the officers named in the schedule, namely, Mr. Isaac Lloyd Hughes and Mr. William Evans, to count as pensionable certain periods of their service during which, owing to regrading, they held posts which were not in fact on the pensionable establishment.

The Legal Adviser delivered the Bill to the Clerk of the Council.

The Assistant Treasurer seconded.

Motion put and carried. Bill read a first time accordingly.

The Clerk of the Council read the title of the Bill.

On motion duly made and seconded, the Standing Rules and Orders of the Council were suspended to the extent necessary in order to deal with the Bill as a non-contentious one.

After discussion, His Honour moved, and the Legal Adviser seconded, that the figure "£200" appearing in the eighth line of this clause be deleted and the figure "£100" substituted therefor.

Motion put and carried. The Honourable Mr. Pearse and the Honourable Mr. Moore dissented.

Clause amended accordingly and passed as amended, so far as it relates to the Colony.

Clause 6 and enacting clause were read and passed, so far as they relate to the Colony.

Title settled: "An Ordinance to restrict the rent of dwelling-houses."

The Honourable Mr. Moore said that before the Bill left the Committee stage he would like to draw attention to the fact that it contained no provision as regards houses rented after the 31st December, 1917, or houses newly rented.

His Excellency replied that he thought that section 2, which he read, covered the point raised by the Honourable Member. The Legal Adviser confirmed this.

On the motion of the Acting Secretary, Southern Provinces and Colony, seconded by the Legal Adviser, the Council resumed.

The Acting Secretary, Southern Provinces and Colony:—I move the third reading of the Bill entitled, "An Ordinance to restrict the rent of dwelling-houses," so far as the provisions thereof relate to the Colony.

His Honour the Acting Administrator seconded.

Motion put and carried. Bill read a third time accordingly.

The Clerk of the Council read the title of the Bill.

Question put that the Bill, so far as the provisions thereof relate to the Colony, do now pass.

Agreed to.

His Excellency:—That, Honourable Members, concludes the business we are called together to transact this afternoon. I thank you for your presence here to-day, and declare the Council adjourned *sine die*.

Motion put and carried. Bill read a second time accordingly.

The Clerk of the Council read the title of the Bill.

On the motion of the Acting Secretary, Southern Provinces and Colony, seconded by the Acting Principal Medical Officer, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

The title and enacting clause were postponed.

Clauses 1 and 2 were read and passed, so far as they relate to the Colony.

Clause 3 was read and, on the motion of the Legal Adviser, amended as follows:—

- (i) By substituting the word "seventeenth" for the word "first" in the second line of paragraph (a) of the proviso to subsection (1).
- (ii) By the addition to paragraph (b) (ii) of subsection (1) of the words "In deciding whether the rent is reasonable or unreasonable the Court shall take into consideration any transfer of liability as regards rates or other burdens which may have taken place between the landlord and the tenant and any special circumstances in which the relationship of the parties has been a factor in determining the amount of any rent."

The Legal Adviser remarked that this addition was taken from clause 4 of the Bill as at present drafted.

- (iii) By substituting the figure "17" and the letters "th" for the figure "1" and the letters "st" in the seventh line of subsection (2).
- (iv) By the insertion of the word "an" between the word "such" and the word "order" in the first line of the proviso to subsection (3).

Clause passed as amended, so far as it relates to the Colony.

Clause 4 was read and, on the motion of the Legal Adviser, amended as follows:—

- (i) By deleting the words "whose landlord acts" in the second line, and substituting the words "who alleges that his landlord has acted".
- (ii) By deleting the words "unlawfully claimed" in the tenth line, and substituting the words "paid in excess of the sum allowed under this Ordinance".
- (iii) By the addition of the following clause immediately after the first paragraph:—

"An appeal from the decision of a Magistrate under this section shall lie to the Divisional Court whose decision shall be final and conclusive."

- (iv) By deleting the second paragraph.

Clause passed as amended, so far as it relates to the Colony.

Clause 5 was read.

His Excellency:—Two Honourable Members have drawn attention to the fact that, in their opinion, the figure "£200" specified in this clause is too high, but no concrete suggestion has been made by them?

Mr. Pearse:—I would suggest that the annual amount of the standard rent should be fixed at £75.

Mr. Moore:—I beg to support that suggestion.

His Honour:—It seems to me that £75 is too low. I think that £100 will be a fair yearly rental.

His Excellency:—I think that £100 will be a reasonable compromise.

Mr. Pearse:—£100 is rather high, because the class of people that will be prepared to pay £100 a year need no protection under the Bill since they can afford to pay it. (His Excellency:—I should like to think that.) Ordinary clerks will not pay a rent of £100 a year.

His Excellency:—Do you hold the same views on the subject, Mr. Waring?

Mr. Waring:—I think that £100 is sufficient.

His Excellency:—It seems a reasonable compromise. The original amount was £200 and we divide it by half. Mr. Pearse's proposal was £75 and we add £25 to it.

Mr. Moore:—I do not know whether £96 per annum would not be sufficient?

His Honour:—I think £100 should stand—it is only £4 difference.

His Excellency:—I think I will leave it at £100 a year. £4 is not much difference.

was applicable to rents up to the value of £70 in the Metropolitan Area, £60 in Scotland, and £52 elsewhere. The amending Act has raised those amounts to £105 in the Metropolitan Area, £90 in Scotland, and, I believe, £78 elsewhere. Those figures are applicable only to dwelling-houses, and I say that, if this Bill should be passed in its present form, it would be protecting the merchants—a body of people who do not require to be protected.

I am also in agreement with the Honourable Member who has just spoken as far as a general Profiteering Bill is concerned. Many people with whom this Bill is not popular, object to it on the ground that the Government has not attempted to tackle what is the real root of the evil, that is general profiteering. For ordinary necessities of life the merchants are able to charge what prices they like, yet the Government has taken no action with the view of preventing this. Why, therefore, should not a poor landlord also ask what he likes for his house? That, as I have said, is the view held by many people with whom the Bill is not popular, and I think that the Government ought seriously to consider that point.

The only other remark I have to make is that I do not think that, even if this Bill is passed, it is going to solve the housing problem. The housing problem is a very acute one at present, and requires urgent solution. Lagos at the moment is very overcrowded, and an extension and enlargement of the town is absolutely necessary, and I think that it is the duty of the Government to take the matter up, especially as, when one comes to consider it, most of the people who are suffering from exactions of rent are Government officials, mostly clerks from the sister Colonies of Sierra Leone and the Gold Coast, and, if, in due course, the Government will take steps to extend the area of the town and to encourage the building of dwelling-houses by private people, I think it will go to a very great extent to solve the present housing problem.

I hope before the vote on the Second Reading of this Bill is taken, the Government will indicate whether it is prepared to meet us half way especially as regards reduction of the standard rent prescribed in clause 5 (1) of the Bill.

I certainly support the principle underlying the Bill.

His Excellency:—Does any other Honourable Member desire to address the Council on the second reading of the Bill now before us?

The Honourable Mr. Waring:—Your Excellency and Gentlemen, I welcome this Profiteering (Rent) Bill in principle. There is no doubt whatever that it is very necessary. There are a good many firms—small firms—who would like to open up business in Lagos, but they are unable to do so owing to the high rents. If rents were similar to those asked, say, in Market Street, Manchester, or Lord Street, Liverpool, they could establish themselves, in which case the necessities of life will accordingly be cheaper, for competition will make it so.

I certainly agree with the Bill generally in principle.

His Excellency:—Does any other Honourable Member desire to address the Council?

His Excellency:—Mr. Moore, in course of his speech, suggested that a pronouncement should be made by Government on the subject of the figure to which he drew attention in section 5, subsection (1), of the Bill now before the Council. I think that the sum we shall have to fix would be better debated in Committee of the Council, but I am prepared to inform Honourable Members that Government is ready to consider reduction of the figure that appears in the Bill before us.

As regards the question of general profiteering, I would remind Honourable Members that, while the Act of Parliament, of which this Bill is, to some extent, an imitation, has proved successful in its operation in Great Britain, the General Profiteering Act which has been passed by the House of Commons, and an adaptation of which the Honourable Member has suggested that it will be advisable for us to introduce into this country, has not been equally successful. At this moment a Committee is sitting to enquire into the matter and to advise Government as to any action which may be taken with the view of establishing an effective system of control of prices, because there is no object in putting an Ordinance on the Statute Book until we are sure that it will effect the objects which it is designed to achieve. I am not in a position yet to give any information on the subject, because the Committee has not submitted its Report, but I can assure Honourable Members that Government will give the matter its earnest attention and, if it sees any prospect of introducing any Ordinance which will be effectual in bringing about an improved economical condition, will no doubt ask Honourable Members to accord the necessary legislative authority. It must be remembered, however, that the high cost of living, especially of foodstuffs of this country, is very intimately interwoven with the question of the paper currency, and the very natural reluctance of the bulk of the people to accept paper currency instead of metal. I hope the large consignments of the new token coinage which will be brought out during the next few months—the first shipment of which is believed to leave England to-day—will relieve the tension, so far as the prices of locally grown foodstuffs are concerned.

The Honourable Mr. Pearse:—Your Excellency and Honourable Members, much as I welcome this Bill—the Profiteering (Rent) Bill—in principle, I beg leave to observe that it would have been more acceptable and more popular, had it been sufficiently enlarged to cover the various avenues of profiteering in this community.

In the first place, I would premise that the amount of £200 at which the standard rent, per annum, of dwelling-houses, to which this Bill applies, is fixed, is rather high, because I believe that tenants who can pay as high a rent as £200 will be sufficiently able to look after themselves and will need no protection from Government in their case. The amount in question, which is prescribed in clause 5 (1) of this Bill, should be reduced.

Since 1917 our economic conditions in Nigeria in general and here in Lagos in particular have become extremely strained. The position in this respect became more acute as time went on and everybody thought that Government would come to our rescue by introducing the necessary legislation to restrain all profiteering. I might mention that landlords have been compelled to take their unenviable stand from various causes and divers reasons. Of course, I am not here holding a brief on their behalf or defending their cause. I am of opinion that the source and origin of our profiteering troubles emanated from the high prices of native foodstuffs, and everyone will agree with me that the cry all along has been for their control. I remember, when prices of native foodstuffs took an upward tendency, I called on His Honour the Acting Lieutenant-Governor (Col. Moorhouse) and pleaded prohibition of exportation and control of prices. His Honour, true to his principles and ever ready to listen to reasonable representations with his characteristic sympathy, thought he might prohibit the exportation, but that there was no law to empower him to control the local prices of native foodstuffs. And he was right. There was no law, and prices went up by leaps and bounds, a situation was created which affected every section of this community. As a result of this, the charges for labour—both skilled and unskilled—also went up: the prices of building material were raised by 400%, which meant a considerable increase in the cost of putting up buildings, resulting in a corresponding increase in rents. Hence this Bill is being introduced obviously to protect poor tenants against profiteering landlords. What, however, I should like to see, Sir, is a Bill of a comprehensive nature—a Bill of wide principles to cover all scopes of profiteering, because, after all, when you come to think it out, what we may call profiteering is but a question of demand and supply which fluctuates and can hardly be eased unless legislation is introduced to deal with the various other scopes of profiteering. It will be a very great pity if this is the only profiteering Bill that it is proposed by Government to introduce, for then it will be looked upon—and rightly so—as class legislation, and will not be helpful. I hope, therefore, that this is the precursor of other Bills of a similar nature which will very soon be introduced into this Council, with the object of covering other avenues of profiteering in this community.

The Honourable Mr. Moore:—Your Excellency, I rise to support what the Honourable Member on my left has just said. This no doubt is an exceptional piece of legislation, but I think it must be admitted that the times are not normal, and I am aware that, had it not been for the exceptional circumstances, such a measure would not have been introduced. But a measure like this is bound to be unpopular with certain classes of the community, and during the interval that has elapsed since the First Reading of the Bill I have taken the opportunity of discussing it with as many people as I could come into contact with. With some the Bill is very unpopular, and with others it is very popular. But what we have to consider is whether, in the interests of the community as a whole, this is a necessary Bill, and it is on that account that I personally support the principle underlying this Bill. But much as I am willing to support the principle of the Bill, Sir, I think it is a very ambitious Bill, too ambitious for its object. I refer particularly to clause 5, subsection (1), to which the previous speaker has already referred, which applies this Bill to dwelling-houses where the annual amount of the standard rent does not exceed £200. I think, Sir, that that amount is too high, because, after all, who are the sort of people that are likely to feel these exactions of rent? They are the clerks, the artisans, and, I think, the labourers. Take now, Sir, the case of, say, a Chief Clerk in the Government Service who earns a salary of £300 per annum: What rent was he paying in the year 1917 for his house? I do not think that he was paying more than £5 or £6, £6 at the most, nor do I think that those occupying posts of a similar nature in the Mercantile establishments were paying, in 1917, a rent of more than £6 or £7 for their house. Now this Bill proposes to cover all those who were paying an annual rent of anything up to £200 in 1917. I say, Sir, that will be an advantage to the merchants who have made money out of the War and who do not need any protection at all from the Government. It is not necessary to protect them. This principle underlying this Bill is a departure from the economic law of supply and demand and, if you are going to depart from that law, it must be so restricted as not to include the merchants who are at liberty to carry on in their business that very economic law unfettered, because, at present, the merchants are able to command whatever prices they like for their goods. Sir, I do not think the standard rent under the section I have referred to ought to be higher than £84.

I believe a similar Bill was passed in England sometime ago, three years ago. There has been an amending Act since then. The principal Act—the very first Act—

MINUTES OF THE PROCEEDINGS OF A MEETING OF THE LEGISLATIVE COUNCIL OF THE COLONY OF NIGERIA, HELD IN THE COUNCIL CHAMBER, PUBLIC OFFICES, AT 2.30 O'CLOCK P.M., ON WEDNESDAY, THE 14th JULY, 1920.

## PRESENT.

His Excellency the Governor and Commander-in-Chief, Sir Hugh Clifford, K.C.M.G.,

His Honour the Acting Administrator, Lieutenant-Colonel H. C. Moorhouse, C.M.G., D.S.O., &c.,

The Honourable the Acting Secretary, Southern Provinces and Colony, Bertram Hodges, Esq.,

The Honourable the Acting Principal Medical Officer, Southern Provinces and Colony, Dr. H. B. S. Montgomery.

The Honourable the Legal Adviser, Southern Provinces and Colony, J. C. Craven, Esq.,

The Honourable the Assistant Treasurer, C. W. Loese, Esq.,

The Honourable the Acting Commissioner of Lands, Major W. Birrel Gray,

The Honourable Mr. S. H. Pearse,

The Honourable Mr. E. O. Moore,

The Honourable Mr. S. Waring,

The Honourable Mr. T. Spearpoint.

## MINUTES.

The Minutes of the Meeting of the Council held on the 17th June, 1920, as circulated to Members, were confirmed.

## OATHS.

Dr. Henry Bevan Slator Montgomery, on appointment as Acting Principal Medical Officer, Southern Provinces and Colony, Mr. James Chadwick Craven, on appointment as Legal Adviser, Southern Provinces and Colony, and Mr. Thomas Spearpoint, on provisional appointment as an Unofficial Member during the absence on leave of Mr. A. M. Harvey, subscribed to the Oath of Allegiance and took their seats as Members of the Council.

## PAPERS.

The Legal Adviser laid the following paper on the table:—

No. 4 of 1920.—Annual Report on the Printing Department for the year 1919.

## BILLS.

The Acting Secretary, Southern Provinces and Colony:—As stated on the Agenda, further action on the Bill entitled, "An Ordinance to amend the Immigration Restriction Ordinance, 1917," is held over for a further communication from the Secretary of State. This has not yet been received and it is, therefore, not proposed to proceed further with the Bill at this Meeting of the Council.

On the motion of the Acting Secretary, Southern Provinces and Colony, seconded by His Honour the Acting Administrator, the Standing Rules and Orders of the Council were suspended to the extent necessary in order to deal with the Bill entitled, "An Ordinance to restrict the rent of dwelling-houses," as an urgent one.

The Acting Secretary, Southern Provinces and Colony:—I move the second reading of the Bill entitled, "An Ordinance to restrict the rent of dwelling-houses," so far as the provisions thereof relate to the Colony.

The Legal Adviser:—I beg to second the motion. The objects and reasons of this Bill are indicated on page 5 of the printed Bill of which Honourable Members have copies. It is to prevent the exaction of excessive rents from tenants, and to provide for reasonable security of tenure.

His Excellency:—Does any Honourable Member desire to address the Council on the second reading of this Bill?

The title and enacting clause were postponed.

Clauses 1 and 2 and enacting clause were read and passed.

Title settled: "An Ordinance to amend the Minerals Ordinance, 1916."

On the motion of Acting Secretary, Southern Provinces and Colony, seconded by the Legal Adviser, the Council resumed.

The Acting Secretary, Southern Provinces and Colony:—I move the third reading of the Bill entitled, "An Ordinance to amend the Minerals Ordinance, 1916," so far as the provisions thereof relate to the Colony.

The Legal Adviser seconded.

Motion put and carried. Bill read a third time accordingly.

The Clerk of the Council read the title of the Bill.

Question put that the Bill, so far as the provisions thereof relate to the Colony, do now pass.

Agreed to.

His Honour:—Gentlemen, before we leave here this afternoon, I think it will be your wish that we should record in the Minutes of this Council an expression of our condolence with the relatives of the late Honourable Mr. Robert McNeill who was for nine years a Member of this Body. The news of his death was received by cable on the 2nd instant, a week ago yesterday, and it was received, I feel sure, by every member of the community of Lagos with the greatest shock and the greatest regret. He was known to everybody, I think, in Lagos, and we all feel that, not only have we lost a personal friend, but also that, although he was no longer a Member of this Council at the time of his death, Nigeria has lost a servant whose services were at all times at her disposal in her best interests.

I would ask you to record your assent to what I have said in the usual way—standing and in silence.

All the Honourable Members accordingly rose to their feet and stood for a while in silence as a mark of their respect for the memory of the late Honourable Mr. Robert McNeill and their sympathy with his relatives.

His Honour:—Since there is no other business before the Council, I thank Honourable Members for their presence here this afternoon, and declare the Council adjourned *sine die*.

On the motion of the Acting Secretary, Southern Provinces and Colony, seconded by the Legal Adviser, the Standing Rules and Orders of the Council were suspended to the extent necessary in order to deal with the Bill as a non-contentious one.

The Acting Secretary, Southern Provinces and Colony:—I move the second reading of the Bill entitled, "An Ordinance to amend the Quarantine Ordinance, 1916," so far as the provisions thereof relate to the Colony.

The Legal Adviser seconded.

His Honour:—Does any Honourable Member wish to address the Council on the subject of this Bill?

Motion put and carried. Bill read a second time accordingly.

The Clerk of the Council read the title of the Bill.

On the motion of the Acting Secretary, Southern Provinces and Colony, seconded by the Legal Adviser, the Council resolved itself into Committee and proceeded to the consideration of the Bill, clause by clause.

The title and enacting clause were postponed.

Clauses 1 and 2, the schedule and enacting clause were read and passed, so far as they relate to the Colony.

Title settled: "An Ordinance to amend the Quarantine Ordinance, 1916."

On the motion of the Acting Secretary, Southern Provinces and Colony, seconded by the Legal Adviser, the Council resumed.

The Acting Secretary, Southern Provinces and Colony:—I move the third reading of the Bill entitled, "An Ordinance to amend the Quarantine Ordinance, 1916," so far as the provisions thereof relate to the Colony.

The Legal Adviser seconded.

Motion put and carried. Bill read a third time accordingly.

The Clerk of the Council read the title of the Bill.

Question put that the Bill, so far as the provisions thereof relate to the Colony, do now pass.

Agreed to.

The Acting Secretary, Southern Provinces and Colony:—I move the first reading of a Bill entitled, "An Ordinance to amend the Minerals Ordinance, 1916," so far as the provisions thereof relate to the Colony.

The Acting Secretary, Southern Provinces and Colony, delivered the Bill to the Clerk of the Council.

The Legal Adviser seconded.

Motion put and carried. Bill read a first time accordingly.

The Clerk of the Council read the title of the Bill.

On the motion of the Acting Secretary, Southern Provinces and Colony, seconded by the Legal Adviser, the Standing Rules and Orders of the Council were suspended to the extent necessary in order to deal with the Bill as a non-contentious one.

The Acting Secretary, Southern Provinces and Colony:—I move the second reading of the Bill entitled, "An Ordinance to amend the Minerals Ordinance, 1916," so far as the provisions thereof relate to the Colony.

The Legal Adviser seconded.

His Honour:—The objects and reasons of this Bill are fully explained in the printed copy in the hands of Honourable Members. It is being introduced to modify the rather harsh proviso in the principal Ordinance which was found to restrict development. That proviso, as it now stands, reads ".....shall not be granted....." but it is proposed by this Bill to alter it to read ".....shall not, within a period of one year thereafter, be granted....."

Does any Honourable Member wish to address the Council on the second reading of this Bill?

Motion put and carried. Bill read a second time accordingly.

The Clerk of the Council read the title of the Bill.

On the motion of the Acting Secretary, Southern Provinces and Colony, seconded by the Legal Adviser, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.



Questioned by His Honour whether it was the fact that the Collector insisted on all such permits being signed exclusively by him, the Honourable Mr. Waring did not return a direct reply but asked whether the subsection under discussion could not be amended by the addition of the words "or Supervisor" after the word "Collector."

His Honour was prepared to agree to the amendment of the subsection, and suggested the insertion of the words "or an officer so authorised by him" after the word "Collector." The Unofficial Members indicated their satisfaction with this, and, on the motion of the Legal Adviser, subsection 108 (1) was accordingly amended to read:—

"108 (1) No goods shall be taken on board a ship for export without the permission of the Collector or an officer so authorised by him."

The Honourable Mr. Pearse also drew attention to subsection (2) (a), which read:—

"(2) All such goods shall be entered for export as follows:—

"(a) In the case of goods subject to export duty, within 24 hours after their shipment into the ocean-going vessel in which they are to be exported;"

and pointed out the following circumstances which often made it difficult to comply with this requirement within the time prescribed. Shipments of produce into ocean-going vessels (unless from Iddo wharf) were carried by branch boats or lighters; it invariably happened that a portion or whole consignment, intended for a particular vessel, was short-shipped, and had to be loaded into another vessel, even after Bills of Lading had been signed. This necessitated cablegrams to the United Kingdom, advising consignees of the change. It was, therefore, impossible, within 24 hours after loading into branch boats or lighters, and even after Bills of Lading had been signed, to make a true declaration on Bills of Entries as to the name of the vessel into which produce was transhipped until the manifest was completed and the vessel left the harbour.

His Honour enquired if the Honourable Member would propose a definite amendment, and the latter accordingly moved that the words "24 hours after their shipment into" be deleted and the words "48 hours after the departure of" substituted therefor.

The Honourable Mr. Moore seconded.

Amendment put and lost, the Unofficial Members voting for the amendment.

Original motion put and carried, the Unofficial Members voting against the motion.

Clause passed as amended, so far as it relates to the Colony.

Enacting clause was read and passed, so far as it relates to the Colony.

Title settled: "An Ordinance to amend the law relating to Customs."

On the motion of the Acting Secretary, Southern Provinces and Colony, seconded by the Legal Adviser, the Council resumed.

The Acting Secretary, Southern Provinces and Colony:—I move the third reading of the Bill entitled, "An Ordinance to amend the law relating to Customs," so far as the provisions thereof relate to the Colony.

The Legal Adviser seconded.

Motion put and carried. Bill read a third time accordingly.

The Clerk of the Council read the title of the Bill.

Question put that the Bill, so far as the provisions thereof relate to the Colony do now pass.

Agreed to.

The Acting Secretary, Southern Provinces and Colony:—I move the first reading of a Bill entitled, "An Ordinance to amend the Quarantine Ordinance, 1916," so far as the provisions thereof relate to the Colony.

The Acting Secretary, Southern Provinces and Colony, delivered the Bill to the Clerk of the Council.

The Legal Adviser seconded.

Motion put and carried. Bill read a first time accordingly.

The Clerk of the Council read the title of the Bill.

Is there anything in any of the Bills alluded to which Honourable Members regard as contentious, or which they have not had time to study?

The Honourable Mr. Pearse:—There is nothing particularly contentious in any of the three Bills to which Your Honour alludes. There are one or two points which I should like to raise in the case of the Customs (Amendment) Bill, but I think I shall have ample opportunity of doing this when the Council is in Committee on that Bill.

His Honour:—May I take it that it is the wish of the Council to proceed with the remaining three Bills at this meeting?

Honourable Members signified their consent.

The Acting Secretary, Southern Provinces and Colony:—I move the first reading of a Bill entitled, "An Ordinance to amend the law relating to Customs," so far as the provisions thereof relate to the Colony.

The Acting Secretary, Southern Provinces and Colony, delivered the Bill to the Clerk of the Council.

The Legal Adviser seconded.

Motion put and carried. Bill read a first time accordingly.

The Clerk of the Council read the title of the Bill.

On the motion of the Acting Secretary, Southern Provinces and Colony, seconded by the Legal Adviser, the Standing Rules and Orders of the Council were suspended to the extent necessary in order to deal with the bill as a non-contentious one.

The Acting Secretary, Southern Provinces and Colony:—I move the second reading of the Bill entitled, "An Ordinance to amend the law relating to Customs," so far as the provisions thereof relate to the Colony.

The Legal Adviser seconded.

His Honour:—The objects and reasons of this Bill are explained on page 3 thereof. One of the objects is to get rid of the words "whilst a state of war in which His Majesty is engaged exists" from section 106 of the principal Ordinance so that that provision can continue to be carried on for a further period of time. I do not think I have anything to add to what is set down in the "objects and reasons."

Does any Honourable Member wish to address the Council on the second reading of this Bill?

Motion put and carried. Bill read a second time accordingly.

The Clerk of the Council read the title of the Bill.

On the motion of the Acting Secretary, Southern Provinces and Colony, seconded by the Legal Adviser, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

The title and enacting clause were postponed.

Clauses 1 and 2 were read and passed, so far as they relate to the Colony.

Clause 3 was read. The Honourable Mr. Pearse pointed to the new subsection 108 (1), which read:—

"108 (1) No goods shall be taken on board a ship for export without the permission of the Collector."

and stated that, since the interests of merchants might suffer owing to delay in the issue of the prescribed permit, the provision should be amended with the view of avoiding any such delay. There might be occasions on which the Collector might be away from his office, in which case it would be difficult to obtain the permit in time to make a shipment. He would accordingly suggest that subsection 108 (1) be amended by the addition of the following words after the word "Collector":—

"and such permission shall be given immediately on application by the Collector unless he has special reasons for withholding it."

His Honour observed that the definition of the word "Collector" used in the subsection was to be read in its broadest sense, that was to say, the term "Collector" might mean the Collector, or his deputy, or any other principal officer doing duty in the matter in relation to which the expression was used. His Honour did not think that it was the intention of the provision that the permit should be signed exclusively by the Collector in every case.

The Honourable Mr. Pearse said that he had it in writing from the Customs that it was necessary in every case for the permit to be signed by the Collector. He was sure that the Honourable Member sitting opposite him (Mr. Waring) could confirm this.

His Honour:—Before proceeding further with this Bill, Gentlemen, I have to announce that, in accordance with instructions from the Secretary of State and, in view of the fact that certain administrative changes are being contemplated in the Government of Nigeria, the Lieutenant-Governor of the Southern Provinces will not, in future, act for the Governor in his absence in England on leave, nor will he deputise for His Excellency when on tour in the country, except possibly in special circumstances. It was felt that Mr. Boyle, who had occupied the position of Lieutenant-Governor, Southern Provinces, for so long and had on various occasions acted for the Governor when the latter was on leave, and also administered the Government during the interregnum between the final departure of Sir Frederick Lugard and the arrival of Sir Hugh Clifford, should be informed of the new conditions, and asked whether, in view of those conditions, he would be prepared to return to Nigeria. This was done, and his reply was that he did not wish to return under the changed conditions, and the Secretary of State felt that he should, under the circumstances, be allowed to retire. Although his appointment has not, I understand, been abolished, it is felt that he should be given an opportunity of retiring on pension. Under the Pensions Ordinance, Mr. Boyle is not at the moment entitled to retire on pension, as he has not reached 50 years of age yet. He is entitled to a pension of something in the neighbourhood of about £300 from the Uganda Protectorate when he reaches the age of 50. The Secretary of State has directed that he should be granted, subject to Honourable Members voting the money, a pension of £1,150 which, although it is more than he would get if he retired ordinarily, is less than he would receive if he retired on abolition of office.

I am not able to say exactly on what basis the pension of £1,150 was calculated, but that is the figure sent out to us by the Secretary of State as being what was considered a fair pension to Mr. Boyle. I would ask Honourable Members to vote this pension and to treat this Bill as an urgent one, as Mr. Boyle's date of retirement is from the 8th of August.

On the motion of the Acting Secretary, Southern Provinces and Colony, seconded by the Legal Adviser, the Standing Rules and Orders of the Council were suspended to the extent necessary in order to deal with the Bill as an urgent one.

The Acting Secretary, Southern Provinces and Colony:—I move the second reading of the Bill entitled, "An Ordinance to legalize the payment of a pension to Alexander George Boyle, C.M.G., C.B.E.," so far as the provisions thereof relate to the Colony.

The Legal Adviser seconded.

His Honour:—Does any Honourable Member wish to address the Council on the second reading of the Bill now before the Council?

Motion put and carried. Bill read a second time accordingly.

The Clerk of the Council read the title of the Bill.

On the Motion of the Acting Secretary, Southern Provinces and Colony, seconded by the Legal Adviser, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

The preamble, title and enacting clause were postponed.

Clauses 1 and 2, preamble and enacting clause were read and passed.

Title settled: "An Ordinance to legalize the payment of a pension to Alexander George Boyle, C.M.G., C.B.E."

On the motion of the Acting Secretary, Southern Provinces and Colony, seconded by the Legal Adviser, the Council resumed.

The Acting Secretary, Southern Provinces and Colony:—I move the third reading of the Bill entitled, "An Ordinance to legalize the payment of a pension to Alexander George Boyle, C.M.G., C.B.E.," so far as the provisions thereof relate to the Colony.

The Legal Adviser seconded.

Motion put and carried. Bill read a third time accordingly.

The Clerk of the Council read the title of the Bill.

Question put that the Bill, so far as the provisions thereof relate to the Colony, do now pass.

Agreed to.

His Honour:—There are three other Bills on the Agenda. None of them, as far as I know, are really urgent, nor do I consider them contentious, but I leave it entirely to Honourable Members to say whether we should proceed with them throughout all the stages at this meeting, or whether we should take the first reading only of them and proceed with them at the next meeting.

The objects and reasons are stated in the copy of the Bill now in the hands of Honourable Members.

The Acting Secretary, Southern Provinces and Colony, delivered the Bill to the Clerk of the Council.

The Legal Adviser seconded.

Motion put and carried. Bill read a first time accordingly.

The Clerk of the Council read the title of the Bill.

His Honour:—In 1916, owing to the War conditions, it was found necessary to pass an Ordinance to allow branch boats plying between here and Port Harcourt and up to the Gold Coast to sail without more than one Certificated Engineer on board. That Ordinance was repealed by Ordinance No. 47 of 1917, but it has been found very necessary to re-enact it to enable branch boats carrying coal, which is of vital necessity to us, to continue to run. Messrs. Elder Dempster & Co., inform me that they are unable at the present moment to get Certificated Engineers from home, and this Bill is being introduced with the object of re-enacting Ordinance No. 9 of 1916 as a temporary measure in order that branch boats can, in the circumstances I have explained, continue to run.

I propose to ask Honourable Members of the Council to take this Bill through all of the stages at this meeting in view of its urgency.

On the motion of the Acting Secretary, Southern Provinces and Colony, seconded by the Legal Adviser, the Standing Rules and Orders of the Council were suspended to the extent necessary in order to deal with the Bill as an urgent one.

The Acting Secretary, Southern Provinces and Colony:—I move the second reading of the Bill entitled, "An Ordinance to amend the Shipping and Navigation Ordinance, 1917," so far as the provisions thereof relate to the Colony.

The Legal Adviser seconded.

His Honour:—Does any Honourable Member wish to address the Council on the second reading of this Bill?

Motion put and carried. Bill read a second time accordingly.

The Clerk of the Council read the title of the Bill.

On the motion of the Acting Secretary, Southern Provinces and Colony, seconded by the Legal Adviser, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

The title and enacting clause were postponed.

Clauses 1 and 2 and enacting clause were read and passed, so far as they relate to the Colony.

Title settled: "An Ordinance to amend the Shipping and Navigation Ordinance, 1917."

On the motion of the Acting Secretary, Southern Provinces and Colony, seconded by the Legal Adviser, the Council resumed.

The Acting Secretary, Southern Provinces and Colony:—I move the third reading of the Bill entitled, "An Ordinance to amend the Shipping and Navigation Ordinance, 1917," so far as the provisions thereof relate to the Colony.

The Legal Adviser seconded.

Motion put and carried. Bill read a third time accordingly.

The Clerk of the Council read the title of the Bill.

Question put that the Bill, so far as the provisions thereof relate to the Colony, do now pass.

Agreed to.

The Acting Secretary, Southern Provinces and Colony:—I move the first reading of a Bill entitled, "An Ordinance to legalize the payment of a pension to Alexander George Boyle, C.M.G., C.B.E.," so far as the provisions thereof relate to the Colony.

The Acting Secretary, Southern Provinces and Colony, delivered the Bill to the Clerk of the Council.

The Legal Adviser seconded.

Motion put and carried. Bill read a first time accordingly.

The Clerk of the Council read the title of the Bill.

**MINUTES OF THE PROCEEDINGS OF A MEETING OF THE LEGISLATIVE COUNCIL OF THE COLONY OF NIGERIA, HELD IN THE COUNCIL CHAMBER, PUBLIC OFFICES, AT 3 O'CLOCK P.M., ON TUESDAY, THE 10th AUGUST, 1920.**

**PRESENT.**

His Honour the Governor's Deputy, Lieutenant-Colonel H. C. Moorhouse, C.M.G., D.S.O., &c.,

The Honourable the Acting Secretary, Southern Provinces and Colony, Bertram Hodges, Esq.,

The Honourable the Acting Principal Medical Officer, Southern Provinces and Colony, Dr. H. B. S. Montgomery,

The Honourable the Legal Adviser, Southern Provinces and Colony, J. C. Craven, Esq.,

The Honourable the Assistant Treasurer, C. W. Leese, Esq.,

The Honourable the Acting Commissioner of Lands, Major W. Birrel Gray,

The Honourable Mr. S. H. Pearse,

The Honourable Mr. E. O. Moore,

The Honourable Mr. S. Waring,

The Honourable Mr. T. Spearpoint.

**ABSENT :**

His Excellency the Governor and Commander-in-Chief, Sir Hugh Clifford, K.C.M.G.

**MINUTES.**

The Minutes of the Meeting of the Council held on the 14th July, 1920, as circulated to Members, were confirmed.

**PAPERS :**

The Legal Adviser laid the following paper on the table :—

No. 5 of 1920.—Annual Report on the Public Works Department, Colony and Southern Provinces, for the year 1919.

**MOTIONS.**

The Acting Secretary, Southern Provinces and Colony :—I move the following motion standing in my name :—

“That this Council approves, so far as the Colony is concerned, of the Order-in-Council made under the Customs Tariff Ordinance, 1916, now laid on the table.”

This Order has been made by the Governor as it is considered necessary to reduce the strength of spirits in view of the possibility of an increase in the importation of so-called trade spirits.

The Legal Adviser seconded.

His Honour :—Does any Honourable Member wish to address the Council on the subject of the Order now before the Council ?

Motion put and carried. Order approved accordingly.

**BILLS.**

The Acting Secretary, Southern Provinces and Colony :—As Honourable Members are aware, the Bill entitled, “An Ordinance to amend the Immigration Restriction Ordinance, 1917,” which appears on the Agenda for second reading, is held over pending the receipt of a further communication from the Secretary of State.

The Acting Secretary, Southern Provinces and Colony :—I move the first reading of a Bill entitled, “An Ordinance to amend the Shipping and Navigation Ordinance, 1917, so far as the provisions thereof relate to the Colony.

Motion put and carried. Bill read a first time accordingly.

The Clerk of the Council read the title of the Bill.

On motion duly made and seconded, the Standing Rules and Orders of the Council were suspended to the extent necessary in order to deal with the Bill as an urgent one.

The Legal Adviser:—I move the second reading of the Bill entitled, "An Ordinance relating to the application to Nigeria of an Order of His Majesty in Council giving effect to Sections III to VII of Part X of the Peace Treaty with Germany," so far as the provisions thereof relate to the Colony.

The Assistant Treasurer seconded.

Motion put and carried. Bill read a second time accordingly.

The Clerk of the Council read the title of the Bill.

On motion duly made and seconded, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

The title, preamble and enacting clause were postponed.

Clauses 1 to 4 were read and passed, so far as they relate to the Colony.

The enacting clause and the preamble were read and passed, so far as they relate to the Colony.

Title settled: "An Ordinance relating to the application to Nigeria of an Order of His Majesty in Council giving effect to Sections III to VII of Part X of the Peace Treaty with Germany."

On motion duly made and seconded, the Council resumed.

The Legal Adviser:—I move the third reading of the Bill entitled, "An Ordinance relating to the application to Nigeria of an Order of His Majesty in Council giving effect to Sections III to VII of Part X of the Peace Treaty with Germany," so far as the provisions thereof relate to the Colony.

The Assistant Treasurer seconded.

Motion put and carried. Bill read a third time accordingly.

The Clerk of the Council read the title of the Bill.

Question put that the Bill, so far as the provisions thereof relate to the Colony, do now pass.

Agreed to.

His Excellency adjourned the Council *sine die*.

The Honourable Mr. Pearse considered that that part of the clause which provided that no fees might be charged or taken by way of travelling expenses or lodging allowance without the special permission of an Administrative Officer should be deleted, since it placed the letter-writer too completely at the mercy of the Administrative Officer.

His Excellency explained that he had been assured on all hands that, especially in the Eastern Provinces, an undesirable class of partially illiterate people were to-day going into villages where the Supreme Court no longer has any jurisdiction and representing themselves as people learned in the law, who have superseded lawyers. These men were charging fees quite as large as those which would have been paid to qualified barristers. His Excellency said that he was inclined to think that, unless there was some urgent reason to the contrary, it was necessary not only to fix fees, but also to have someone who could check any bill that might be rendered for travelling or housing.

The Honourable Mr. Pearse was of opinion that, while His Excellency's explanation might hold good for places in the Eastern Provinces, it would not apply in places around Lagos, such as Epe and Badagry, where a letter-writer might have to leave Lagos and undergo considerable expenses on account of travelling and lodging. In such cases the fee of 2s. 6d. per hundred words for a letter could not cover the letter-writer's expenses, and he is forbidden to charge more unless he has the permission of the Administrative Officer which might, or might not, be given.

His Excellency suggested to the Honourable Member that there would probably be little need for travelling as it would, no doubt, be found that in almost every village there was someone who acted as a public letter-writer. His Excellency was, however, prepared to relax the provision, but insisted that it was necessary to have some check on the fees charged for travelling or lodging allowance.

After discussion, the following sentence in the fourteenth to the seventeenth lines, viz. :—

"No sum may be charged or taken by way of travelling expenses or lodging allowance without the special permission of an Administrative Officer."

was, at the suggestion of His Excellency, amended so as to read as follows :—

"Any sum charged or taken by way of travelling expenses or lodging allowance shall be subject to the approval of an Administrative Officer."

Clause passed as amended, so far as it relates to the Colony.

Clause 6 and the enacting clause were read and passed, so far as they relate to the Colony.

Title settled : "An Ordinance to amend the law relating to Illiterates."

On motion duly made and seconded, the Council resumed.

The Legal Adviser :—I move the third reading of the Bill entitled, "An Ordinance to amend the law relating to Illiterates," so far as the provisions thereof relate to the Colony.

The Assistant Treasurer seconded.

Motion put and carried. Bill read a third time accordingly.

The Clerk of the Council read the title of the Bill.

Question put that the Bill, so far as the provisions thereof relate to the Colony, do now pass.

Agreed to.

The Legal Adviser :—I move the first reading of a Bill entitled, "An Ordinance relating to the application to Nigeria of an Order of His Majesty in Council giving effect to Sections III to VII of Part X of the Peace Treaty with Germany," so far as the provisions thereof relate to the Colony.

The objects and reasons of the Bill are as follows :—

- (a) To set up a local clearing office for the purpose of facilitating the scheme of debt collection authorised by the Treaty of Peace Order, 1919, of His Majesty in Council ; and
- (b) To make such modifications as are necessary to adapt the Order to the circumstances of Nigeria.

Section 2 of the Bill provides for the former of these objects and section 3 for the latter.

The Legal Adviser delivered the Bill to the Clerk of the Council.

The Assistant Treasurer seconded.

The Legal Adviser:—I move the second reading of the Bill entitled, "An Ordinance to validate certain pensions," so far as the provisions thereof relate to the Colony.

The Assistant Treasurer seconded.

Motion put and carried. Bill read a second time accordingly.

The Clerk of the Council read the title of the Bill.

On motion duly made and seconded, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

The title and enacting clause were postponed.

Clause 1 was read. At the suggestion of His Excellency the figures "1920" were inserted as the year of the Ordinance.

Clause passed as amended, so far as it relates to the Colony.

Clause 2, the Schedule and the enacting clause were read and passed, so far as they relate to the Colony.

Title settled: "An Ordinance to validate certain pensions."

On motion duly made and seconded, the Council resumed.

The Legal Adviser:—I move the third reading of the Bill entitled, "An Ordinance to validate certain pensions," so far as the provisions thereof relate to the Colony.

The Assistant Treasurer seconded.

Motion put and carried. Bill read a third time accordingly.

The Clerk of the Council read the title of the Bill.

Question put that the Bill, so far as the provisions thereof relate to the Colony, do now pass.

Agreed to.

The Legal Adviser:—I move the first reading of a Bill entitled, "An Ordinance to amend the law relating to Illiterates," so far as the provisions thereof relate to the Colony. The Bill amplifies the Illiterates Protection Ordinance, 1915. In section 2 "writer" is defined; in section 3 additional obligations are imposed on letter-writers; section 4 prescribes that receipts must be given for fees; and section 5 sets out what those fees should be.

The Legal Adviser delivered the Bill to the Clerk of the Council.

The Assistant Treasurer seconded.

Motion put and carried. Bill read a first time accordingly.

The Clerk of the Council read the title of the Bill.

On motion duly made and seconded, the Standing Rules and Orders of the Council were suspended to the extent necessary in order to deal with the Bill as a non-contentious one.

The Legal Adviser:—I move the second reading of the Bill entitled, "An Ordinance to amend the law relating to Illiterates," so far as the provisions thereof relate to the Colony.

The Assistant Treasurer seconded.

Motion put and carried. Bill read a second time accordingly.

The Clerk of the Council read the title of the Bill.

On motion duly made and seconded, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

The title and enacting clause were postponed.

Clauses 1 to 4 were read and passed, so far as they relate to the Colony.

Clause 5 was read. The Honourable Mr. McNeill suggested that the fees chargeable for copies of letters or documents prepared by a letter-writer were too small to compensate for the labour involved, but withdrew his objection on His Excellency explaining that the copies would probably be carbon copies and would not involve any additional labour.