

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 MONDAY, THE 9th JANUARY, 1922.

## PRESENT :

- His Excellency the Governor and Commander-in-Chief, Sir Hugh Clifford, G.C.M.G.,
- His Honour the Administrator, Lieutenant-Colonel H. C. Moorhouse, C.M.G., D.S.O., etc.,
- The Honourable the Acting Principal Medical Officer, Southern Provinces and Colony, Dr. G. Hungerford,
- The Honourable the Assistant Treasurer, C. W. Leese, Esq.,
- The Honourable the Acting Commissioner of Lands, F. E. Knapp, Esq.,
- The Honourable Mr. E. O. Moore,
- The Honourable Dr. O. Obasa,
- The Honourable the Attorney-General; D. Kingdon, Esq. (Extraordinary Member).

## ABSENT :

- The Honourable the Secretary, Southern Provinces and Colony, Lieutenant-Colonel F. Jenkins, C.M.G.,
- The Honourable the Legal Adviser, Southern Provinces and Colony,
- The Honourable Mr. A. M. Harvey,
- The Honourable Mr. S. Waring.

## MINUTES.

The Minutes of the Meeting of the Council held on the 27th September, 1921, as circulated to Members, were confirmed.

## OATHS.

Dr. Geoffrey Hungerford, on appointment as Acting Principal Medical Officer of the Southern Provinces and Colony, subscribed to the Oath of Allegiance and took his seat as a Member of the Council.

## PAPERS.

His Honour laid the following papers on the table :—

- No. 1 of 1922.—Annual Report on the Police Department for the period 1st January, 1920 to 31st March, 1921.
- No. 2 of 1922.—Annual Report on the Public Works Department for the period 1st January, 1920 to 31st March, 1921.
- No. 3 of 1922.—Annual Report on the Nigerian Public Officers' Guarantee Fund for the year 1920.
- No. 4 of 1922.—Annual Report on the Agricultural Department, Southern Provinces, for the period 1st January, 1920 to 31st March, 1921.
- No. 5 of 1922.—Annual Report on the Marine Department for the year 1920, and period 1st January to 31st March, 1921.
- No. 6 of 1922.—Annual Report on the Lagos Town Council for the year 1920.
- No. 7 of 1922.—Annual Report on the Forest Administration of Nigeria for the year 1920, and period 1st January to 31st March, 1921.

## QUESTIONS.

Pursuant to notice, the Honourable Dr. O. Obasa asked the following questions :—

- " 1. Whether the attention of the Government has been called to certain remarks in the local Press, said to have been made by Mr. Shyngle on the occasion of an interview granted by His Honour the Lieutenant-Governor on the 17th October to a deputation headed by Mr. Shyngle, and also to other adverse remarks in the said Press, touching the Resident of the Colony ? "

Since the circulation of prints of this Bill to Honourable Members, a further amendment to the Customs Ordinance has been prepared, the inclusion of which in the Bill now before us will be duly moved when the Council goes into Committee to consider the Bill. Typed copies of this amendment have been furnished to Honourable Members prior to the sitting of the Council, and they may, no doubt, wish to have some explanation thereof. Section 145 of the Customs Ordinance, 1916, as it at present stands, provides that invoices shall be attested by a statement on oath, which is not required in other cases where a statement is made under the Ordinance. There is no particular reason why an exception should be made as regards invoices, and, accordingly, it is proposed to alter the provision in question so that the attestation of invoices can be made by declaration instead of by oath. This is much more satisfactory and much easier in practice. I may add that the prescribed form of attestation has already been altered to this effect by Regulation No. 15 of 1922.

The Deputy Director of Medical and Sanitary Services seconded.

The President :—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.

On the motion of the Acting Comptroller of Customs, seconded by the Deputy Director of Medical and Sanitary Services, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

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

On the motion of the Acting Comptroller of Customs, the following new clause was added and passed, so far as it related to the Colony:—

“ Amendment  
“ of section 145  
“ of No. 31  
“ of 1916.” “ 3. Section 145 of the said Ordinance is hereby amended by the  
“ substitution of the word ‘ declaration ’ for the word ‘ oath ’ in the  
“ tenth and fifteenth lines of the said section.”

The enacting clause was read and passed, so far as it related to the Colony.

Title settled : “ An Ordinance to amend the Customs Ordinance, 1916.”

On the motion of the Acting Comptroller of Customs, seconded by the Deputy Director of Medical and Sanitary Services, the Council resumed.

The Acting Comptroller of Customs :—I move the third reading of the Bill entitled, “ An Ordinance to amend the Customs Ordinance, 1916,” so far as the provisions thereof relate to the Colony.

The Deputy Director of Medical and Sanitary Services seconded.

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

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

Agreed to.

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

The second amendment is one connected with an "Hotel Liquor Licence." Honourable Members who have studied the Bill will see that that licence, as provided in paragraph (6) of section 24 of the principal Ordinance, authorises the sale of liquor to

"(b) persons taking meals in the hotel to be consumed therein with the "meals during the hours in which the sale of liquor is allowed under a "tavern licence."

If Honourable Members will refer also to section 25 (1) of the Liquor Ordinance, they will find that the hours prescribed in this connexion are between 12.30 p.m. and 2 p.m., and 5 p.m. and 8 p.m. on Christmas Day, Good Friday, or Sunday, and after 6 a.m. and before 10.30 p.m. on any other day. The result of this is that, on Christmas Day, Good Friday, or Sunday, no liquor can be sold to persons taking meals in an hotel after 8 p.m. This is obviously very inconvenient to the public, because the majority of the people who take meals at an hotel do not commence to dine until 8 p.m. It is proposed, therefore, to extend the hours as indicated in clause 2 (ii) of this Bill.

The third amendment is merely to give the Governor in Council wider powers of altering, by Regulation, the hours prescribed in the Liquor Ordinance for the sale of liquor. At present, under paragraph (10) of section 64 of that Ordinance, the powers of the Governor in Council in this respect are restricted to altering the hours specified in section 25 (1) as affecting certain of the Licences only. There seems to be no reason why, for convenience' sake, the Governor in Council should not have power to alter any of the hours of sale of liquor under all Licences granted under the Liquor Ordinance, and this amendment is accordingly introduced to give such power.

The Bill is introduced chiefly for the convenience of the public.

The Deputy Director of Medical and Sanitary Services seconded.

The President:—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.

On the motion of the Acting Attorney-General, seconded by the Deputy Director of Medical and Sanitary Services, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

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

Title settled: "An Ordinance to amend the Liquor Ordinance, 1917."

On the motion of the Acting Attorney-General, seconded by the Deputy Director of Medical and Sanitary Services, the Council resumed.

The Acting Attorney-General:—I move the third reading of the Bill entitled, "An Ordinance to amend the Liquor Ordinance, 1917," so far as the provisions thereof relate to the Colony.

The Deputy Director of Medical and Sanitary Services seconded.

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

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

Agreed to.

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

The Deputy Director of Medical and Sanitary Services seconded.

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

On the motion of the Acting Comptroller of Customs, seconded by the Deputy Director of Medical and Sanitary Services, the Standing Rules and Orders of the Council were suspended to the extent necessary to deal with the Bill as an urgent one.

The Acting Comptroller of Customs:—I move the second reading of the Bill entitled, "An Ordinance to amend the Customs Ordinance, 1916," so far as the provisions thereof relate to the Colony. Honourable Members may wish to have some explanation in connexion with the amendment introduced by this Bill. For a number of years the purchase price of imported goods has been taken as the basis for assessing *ad valorem* duty on such goods. About this time last year, however, at the request of certain Chambers of Commerce in England, the purchase price, as the basis for assessing duty, was altered to the fair market value of such goods at the time and place of their direct exportation to Nigeria. That method did not appear to be satisfactory, and, again at the request of the Chambers of Commerce, it is now proposed to return to the former system of assessing duty on the purchase price, that is the price paid or to be paid for the goods by the owner thereof, less cash and trade discounts and incidental charges such as freight, handling, etc.

The Acting Attorney-General:—I move the third reading of the Bill entitled, "An Ordinance to further and protect the activities and interests of the Boy Scouts Association in Nigeria," so far as the provisions thereof relate to the Colony.

The Assistant Treasurer seconded.

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

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

Agreed to.

The Acting Comptroller of Customs:—I move the first reading of a Bill entitled, "An Ordinance to repeal the Palm Kernels (Export Duty) (No. 2) Ordinance, 1919," so far as the provisions thereof relate to the Colony.

The Acting Attorney-General seconded.

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

On the motion of the Acting Comptroller of Customs, seconded by the Acting Attorney-General, the Standing Rules and Orders of the Council were suspended to the extent necessary to deal with the Bill as an urgent one.

The Acting Comptroller of Customs:—I move the second reading of the Bill, entitled "An Ordinance to repeal the Palm Kernels (Export Duty) (No. 2) Ordinance, 1919," so far as the provisions thereof relate to the Colony.

The Acting Attorney-General seconded.

The President:—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.

On the motion of the Acting Comptroller of Customs, seconded by the Acting Attorney-General, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

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

Title settled: "An Ordinance to repeal the Palm Kernels (Export Duty) (No. 2) Ordinance, 1919."

On the motion of the Acting Comptroller of Customs, seconded by the Acting Attorney-General, the Council resumed.

The Acting Comptroller of Customs:—I move the third reading of the Bill entitled, "An Ordinance to repeal the Palm Kernels (Export Duty) (No. 2) Ordinance, 1919," so far as the provisions thereof relate to the Colony.

The Acting Attorney-General seconded.

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

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

Agreed to.

The Acting Attorney-General:—I move the first reading of a Bill entitled, "An Ordinance to amend the Liquor Ordinance, 1917," so far as the provisions thereof relate to the Colony.

The Deputy Director of Medical and Sanitary Services seconded.

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

On the motion of the Acting Attorney-General, seconded by the Deputy Director of Medical and Sanitary Services, the Standing Rules and Orders of the Council were suspended to the extent necessary to deal with the Bill as an urgent one.

The Acting Attorney-General:—I move the second reading of the Bill entitled, "An Ordinance to amend the Liquor Ordinance, 1917," so far as the provisions thereof relate to the Colony. There are three separate amendments introduced by this Bill. The first is to reduce the quantities in which liquor may be sold under a "Wine and Beer Off Licence." The fee charged for this licence is very small—it is only £1 for a whole year. Under the principal Ordinance, as it at present stands, the holder of this licence can sell wine and beer by retail, that is, "in quantities not exceeding two gallons to any one person during the space of twenty-four hours." It is considered that he should only be able to sell not more than two bottles to any one person during the space of twenty-four hours. If he wishes to sell liquor in larger quantities, he will have to take out a "Store Liquor Licence."

" . . . . . every public officer holding a pensionable office who  
 " has been in the service of Nigeria in a civil capacity for ten years  
 " or upwards may be granted on his retirement . . . . . a  
 " pension . . . . . together with a gratuity . . . . . "

was affected by section 7 of the Ordinance in which it was provided that

" No pension, gratuity or other allowance shall be granted to any public  
 " officer who has not attained the age of fifty-five years ".

In the reply which the Acting Attorney-General made to the Honourable Member he explained that an officer who had served for, at least, ten years in a pensionable office was qualified for a pension with a gratuity but that he might only be granted this on retirement at the age of fifty-five years, unless he retired before then in any of the circumstances specified in section 7 of the Ordinance. If the officer had not completed the minimum period of ten years' service qualifying for a pension, he might be granted a gratuity under Regulation 2 in the Schedule under discussion.

The First Schedule was passed, so far as it related to the Colony.

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

Title settled: "An Ordinance for regulating pensions, gratuities and other allowances to be granted to public officers in respect of offices held by them in His Majesty's Service in Nigeria."

On the motion of the Acting Attorney-General, seconded by the Assistant Treasurer, the Council resumed.

The Acting Attorney-General:—I move the third reading of the Bill entitled, "An Ordinance for regulating pensions, gratuities and other allowances to be granted to public officers in respect of offices held by them in His Majesty's Service in Nigeria," so far as the provisions thereof relate to the Colony.

The Assistant Treasurer seconded.

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

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

Agreed to.

The Acting Attorney-General:—I move the first reading of a Bill entitled, "An Ordinance to further and protect the activities and interests of the Boy Scouts Association in Nigeria," so far as the provisions thereof relate to the Colony.

The Assistant Treasurer seconded.

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

On the Motion of the Acting Attorney-General, seconded by the Assistant Treasurer, the Standing Rules and Orders of the Council were suspended to the extent necessary to deal with the Bill as a non-contentious one.

The Acting Attorney-General:—I move the second reading of the Bill entitled, "An Ordinance to further and protect the activities and interests of the Boy Scouts Association in Nigeria," so far as the provisions thereof relate to the Colony. The object of this Ordinance is merely to put the Boy Scouts Movement in Nigeria on a proper footing, as has been done in the Gold Coast. Sir Robert Baden Powell, the Chief Scout, was anxious that every assistance should be given to the Boy Scouts Movement in Nigeria and that an Ordinance should be introduced to prevent any person, who is not in any way connected with the Association, from holding himself out as a Boy Scout.

The Assistant Treasurer seconded.

The President:—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.

On the motion of the Acting Attorney-General, seconded by the Assistant Treasurer, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

Clauses 1 to 6, the preamble, and the enacting clause, were read and passed, so far as they related to the Colony.

Title settled: "An Ordinance to further and protect the activities and interests of the Boy Scouts Association in Nigeria."

On the motion of the Acting Attorney-General, seconded by the Assistant Treasurer, the Council resumed.

On the motion of the Acting Attorney-General, seconded by the Assistant Treasurer, the Standing Rules and Orders of the Council were suspended to the extent necessary to deal with the Bill as a non-contentious one.

The Acting Attorney-General:—I move the second reading of the Bill entitled, "An Ordinance to amend the Change of Titles Ordinance, 1920," so far as the provisions thereof relate to the Colony. It is unnecessary for me to say anything with regard to this Bill, as it is merely the result of the reorganisation of the Medical and Sanitary Departments.

The Assistant Treasurer seconded.

The President:—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.

On the motion of the Acting Attorney-General, seconded by the Assistant Treasurer, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

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

Title settled: "An Ordinance to amend the Change of Titles Ordinance, 1920."

On the motion of the Acting Attorney-General, seconded by the Assistant Treasurer, the Council resumed.

The Acting Attorney-General:—I move the third reading of the Bill entitled, "An Ordinance to amend the Change of Titles Ordinance, 1920," so far as the provisions thereof relate to the Colony.

The Assistant Treasurer seconded.

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

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

Agreed to.

The Acting Attorney-General:—I move the first reading of a Bill entitled, "An Ordinance for regulating pensions, gratuities and other allowances to be granted to public officers in respect of offices held by them in His Majesty's Service in Nigeria," so far as the provisions thereof relate to the Colony.

The Assistant Treasurer seconded.

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

On the motion of the Acting Attorney-General, seconded by the Assistant Treasurer, the Standing Rules and Orders of the Council were suspended to the extent necessary to deal with the Bill as an urgent one.

The Acting Attorney-General:—I move the second reading of the Bill entitled, "An Ordinance for regulating pensions, gratuities and other allowances to be granted to public officers in respect of offices held by them in His Majesty's Service in Nigeria," so far as the provisions thereof relate to the Colony. As Honourable Members will see from the "Objects and Reasons," this Ordinance applies to Non-European Officers only, and is very nearly in the same form as the Ordinance which applies to European Officers. There are certain provisions introduced in this Ordinance which are not contained in the existing Ordinance, and the most important of these are explained in the Secretary of State's Despatch published in the *Gazette* of the 13th April, 1922, of which copies are now in the hands of Honourable Members.

The Assistant Treasurer seconded.

The President:—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.

On the motion of the Acting Attorney-General, seconded by the Assistant Treasurer, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

Clauses 1 to 10 were read and passed, so far as they related to the Colony.

Clause 11 was read. On the motion of the Acting Attorney-General, the word "the" was inserted between the words "of" and "cost" in the last line but one.

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

Clauses 12 to 18 were read and passed, so far as they related to the Colony.

The First Schedule was read. The Honourable Dr. Obasa enquired how paragraph 1 of the regulations contained in this Schedule, which read:

consideration of Government, but at the moment, so far as this motion goes, I can only say that I cannot favour a motion which calls upon Government to interfere actively in a religious dispute.

The Honourable Dr. Obasa :—May I speak again, Sir ?

The President :—Yes, certainly.

The Honourable Dr. Obasa :—I am glad to hear what has fallen from the lips of Your Honour. If the trend of my remarks has taken the appearance of calling upon Government to interfere in a religious dispute, I am sorry that I have not expressed myself as well as I should have done in the matter, but I only went into the history of the Mohammedan dispute to show that Government itself had felt satisfied that Lemomu Braimah is the Head and sole authority of the Mosque and taken a really strong stand when it declared that it would uphold that authority and punish with firm hand any person who opposed it. Well, I take it that Government, at the time such declaration was made, must have regarded the matter, not from a religious standpoint, but from a political standpoint as affecting the Colony, and I consider, therefore, that the authority in question, even in the abstract, should be maintained by Government by all legal means.

Now, Your Honour has said that I have not outlined any constructive policy. No, I have not; but I say, Sir, that, if Government were to make it impossible for worshippers in the Mosque to cause disputes likely to lead to a breach of the peace, as was the case at the service last Friday, and thus to prevent an actual breach of the peace, such action on the part of Government would be a constructive policy, because I am of the opinion that the first aim of Government—the first duty of Government—is, at any rate should be, not the restoration of order, but the prevention of disorder. I think, therefore, that I am right in regard to the step that I have taken on this occasion, for of what use would it be if Government waited until the whole place was destroyed before it came to restore what was preventable at the start? I certainly consider that the strength of any Government consists in its ability and desire to prevent a breach of the peace and when that is maintained and the people see that Government will severely punish a breach of the peace, they will all, I am sure, submit to the dictates of Government. The idea prevailing in the town at present is that Government is not even prepared to protect the people and that it is only waiting for something really disastrous to happen before it takes any action to do so. I say that that is a wrong reflection upon a Government like ours, because we know that our Government is strong enough to maintain and uphold its authority in every respect, and I think that, if Government were to so act as to convince the people of its sincerity in its actions and pronouncements, and thereby cause them to admit that its declarations are made after mature consideration and given without fear or favour, then Government will have moved more than 99% towards putting an end to this unrest and restoring peace in the town. We are a Yoruba nation and appreciate and value a firm hand; only let that firm hand be guided by justice. If there is justice and firmness, we appreciate it, for it makes us feel that we are under a Government which can protect us when protection is needed, and can avenge our wrongs when they are committed against us.

The President :—I have little to add to what I have said before except that I can assure the Honourable Member that the police are fully alive to what is going on and are available to prevent disorder and to restore order, if disorder should occur. As I have already said, I have not yet received the Police report on the alleged disturbance in the Mosque last Friday, but I might add that such incidents, when viewed in the light of the police reports, often resolve themselves into a comparatively small matter. I have heard stories as to occurrences in the Mosque which have proved to have been very considerably exaggerated. I can assure the Honourable Member that the police are watching events and are available to prevent disorder.

The statements which the Honourable Member has made as to the conduct of the police will, of course, be investigated.

Does the Honourable Member wish to press his motion to a division ?

The Honourable Dr. Obasa :—No, Your Honour, as I am satisfied with the assurance that Your Honour has given in the matter.

The motion was accordingly not put to a vote.

#### BILLS.

The President :—Action on the Loan Bill still awaits the receipt of a communication from the Secretary of State.

The Acting Attorney-General :—I move the first reading of a Bill entitled, "An Ordinance to amend the Change of Titles Ordinance, 1920," so far as the provisions thereof relate to the Colony.

The Assistant Treasurer seconded.

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

authorities, and immediately constables and firemen were brought on the scene. Several arrests were made. I desire to point out this significant fact, that the arrests were made at the instance of one man only, and that man was Adam Animashaun, the ring-leader of the Jamat party, and we have it on the authority of a gentleman of repute in the town—a Medical Practitioner—that, when those arrested were being taken to the Police Station, they were subjected to very brutal treatment by the police who had arrested them. When these men—23 in number—were taken to the Police Station, 18 of them were dismissed almost at once, and the remaining 5 were detained until the following morning on the ground that some weapons were found on them as alleged by the police. What happened to them on the following morning I am not in a position to say. I hear, however, on report—I have not been able to verify it—that they were brought up before the Magistrate and dismissed with a caution and bound over to keep the peace, although the people they had assaulted or maltreated, for which action such restrictions were imposed on them, were not produced at the trial.

Now, Sir, I desire to lay stress upon the fact that to us outsiders, who are not very well up in the intricacies of Government, it seems very inexplicable that the Government, having made a definite declaration on an important subject, should be unable to support that declaration by any action whatever. I am sure that, if the Government did not contemplate that it had the means of punishing anybody who opposed the authority in respect of which it had itself made a distinct declaration, it would never have made it, and, as I say, having made that declaration, it seems unintelligible that the Government should sit down, apparently unconcerned, and look on while it is being put to naught by any set of people in the town. It is an open secret and one which I should not even call a secret, that the whole tenor of the actions of the Jamat party is to bring about such confusion in the Mosque as will eventually force the hands of Government to close it altogether, in which case the Jamat party will, of course, repair at once to their own Mosque—Shitta's Mosque, while the Lemomu and his party will be left to drift about or to make such makeshifts as they can.

That a continuance of this unrest in the town is having a baneful effect upon us locally is without question. Some of us whose business takes them about in the town and who are naturally, therefore, anxious to see peace and good order preserved in the town, are sometimes openly insulted in the streets in language often obscene, even though they have no hands whatever in the Mohammedan dispute. Your Honour will see that a continuance of such things cannot make for peace and good order in the town. Nor is it difficult to realise what baneful effect it will also have on the peoples of the hinterland, in that, when they see that these things are tolerated here, it will cause them to think that they can defy any authority and at the same time be left to have their own sweet will.

I am not here to pronounce any judgment upon the actions of Government. I am only saying that they are unintelligible to us, and I consider that the time has come,—if the Government is still of the opinion that the Lemomu is the Head of the Mosque and his authority ought to be upheld, and adheres to its own declaration to that effect,—the time has come when, in the interest of peace and good order in the town and of the authority of Government itself, the Government should make that declaration felt and respected.

I think, Your Honour, that I have said enough to make this Honourable Council feel that a continuance of unrest of this kind in the town is not likely to make for the peace and good order of society—it is not likely to make for progress but rather for retrogression—and might ultimately cast a slur upon the good name of Nigeria as a loyal portion of the British Empire.

The Honourable Mr. Moore:—I beg to second the motion.

The President:—Does any Honourable Member wish to address the Council on the subject of this motion?

Then, Gentlemen, I can only say that the Honourable Member who has moved the motion standing in his name has recounted the history of a dispute of a religious character—the past and the recent history. I am not, however, in a position to endorse the Honourable Member's version of the recent history, for I have not yet seen the Police report of what did occur last Friday, but I can say that it has been, and is, so far as I am aware, the settled policy of Government to refrain, so far as possible, from interfering in a religious dispute of any character whatever. The policy of Government is not to interfere in the internal affairs of any religious body except there should be a breach of the peace, or there should arise a situation that makes a breach of the peace likely, when, of course, Government will step in to restore order, or to prevent disorder.

I would point out that, though the Honourable Member has brought forward a motion calling upon Government "to take such action as will be calculated to put an end to this unrest and restore peace in the town," he has not expressed any definite opinion, or outlined any constructive policy, as to the lines which he thinks that Government interference should follow. It is a very difficult question and one that has been occupying the mind of Government for a very long time. If, of course, any constructive recommendation can be made, it will certainly be submitted for the



The President :—Does any Honourable Member wish to address the Council on the subject of this motion ?

Motion put and carried. Order approved accordingly.

The Honourable Dr. Obasa :—May it please Your Honour ! I move the following motion standing in my name :—

“That, in the interest of order and peaceful pursuit of the daily avocation of the people of Lagos, and in view of the baneful effect which a continuance of the Mohammedan unrest is having locally and is likely to have on the peoples of the Hinterland, this honourable Council earnestly calls on Government to take such action as will be calculated to put an end to this unrest, and restore peace in the town.”

Sir, the question of the Mohammedan unrest is a long standing one, so far as the Government is concerned. There are many who are acquainted, more or less, with the inner workings of this unrest, which have caused it to last up to the present time ; but, without going into many details, I would like to point out a few outstanding incidents in the political history of this unrest which are for the public to note and to take cognisance of and perhaps, from those incidents, to form an opinion. Those incidents, in my opinion, form the landmarks in the political history of this unrest. Early in the unrest we learnt that there was some Mohammedan trouble—some said that it was religious and others that it was political—and the Government, being satisfied that the continuance of the unrest was likely to result in serious disturbance in the town, invited the contending parties to a conference, and, as a result of that conference, an Alkali was sent for from the Northern Provinces to arbitrate between them. It was understood that the Government, before taking such a step, obtained the consent of both parties that they would agree to and abide by the decision of the Alkali. The Alkali came down to Lagos and went into the trouble that had arisen between the two parties concerned, and made a pronouncement. It is evident that the Government must have been satisfied with the justice of that pronouncement, for, as an outcome of it, Sir Frederick Lugard declared that the Government considered Lemomu Braimah as the Head and sole authority of the Central Mosque, and that any opposition to that authority would be severely punished. Sir Frederick Lugard left this Colony finally, and the reins of Government were assumed by the present Governor, Sir Hugh Clifford. Evidently the present Governor must have gone into the matter very carefully, for we know that, in due course of time, he himself also made a declaration similar to that made by his immediate predecessor and in almost identical language. This unrest was continued by a series of litigations in Court, all of which had almost one unbroken result, and that was to establish Lemomu Braimah in his position as the Head and sole authority of the Mosque.

Things went on in this way up to within recent months, when the party that were considered as “seceders” because they had separated themselves from the Central Mosque and established themselves in their own Mosque (Shitta’s), approached His Honour the Lieutenant Governor (Col. Moorhouse) and earnestly solicited a settlement of the long standing dispute in order that a reconciliation might be effected to enable them to return to the Central Mosque and worship there, as they had been doing before. I understand that at the settlement the condition upon which the Jamat party (as they are called) could be readmitted to the Mosque was definitely agreed upon, and that was the maintenance of what the Government had already satisfied itself and made a declaration upon, namely, the fact that Lemomu Braimah is the Head of the Central Mosque and the sole authority therein.

Now, we have it on report that, ever since the admission or readmission of the malcontents—I think I may so call them—to the Mosque, there has been a systematic attempt on their part to disregard the obligation that they themselves had entered into, and to set at naught the authority which they, as a condition precedent to their readmission to the Mosque, had agreed to acknowledge. Things went on in that state until it culminated on the 14th instant in what, but for Providence, might have had very serious consequences, not only to those worshipping in the Mosque that morning, but to peaceful citizens in the town unconnected with the Mohammedan dispute. But what happened on the date mentioned ? The report was that when the Lemomu entered the Mosque that morning he found that certain collections were being taken which he had prohibited, at any rate for the time being, in the interest of good order in the Mosque, and he, of course, remonstrated with the collectors for their continuance of such collection. I may here remark that I have it on good authority that the suspension of the taking of collections in the Mosque was first suggested by the Jamat party at a meeting before the present Acting Lieutenant Governor on the ground that it was leading to trouble in the Mosque, and the Lemomu acquiesced in that suggestion because peace and good order were what he evidently desired. But we are told that one of the men who were taking the collections, in replying to the question by the Lemomu in this connexion, addressed him in insolent language, and was reprimanded by an elderly man for the disrespect thus shown to the Lemomu. Immediately another member of the Jamat party insulted that elderly man, and the latter’s grand-son remonstrated with the former who was insulting his grand-father, with the result that he received a blow on his face as his reward. Things went on in that way until great confusion arose in the Mosque. This led to a report being made to the Police

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 19th JULY, 1922.

## PRESENT :

- The Honourable the Secretary, Southern Provinces and Colony, Lieutenant-Colonel F. Jenkins, C.M.G.,  
 The Honourable the Assistant Treasurer, A. H. Hodges, Esq.,  
 The Honourable Mr. E. O. Moore,  
 The Honourable Dr. O. Obasi,  
 The Honourable Mr. W. A. E. Evans,  
 The Honourable Mr. F. B. Mulford,  
 The Honourable the Acting Attorney-General, M. L. Tew, Esq.,  
 The Honourable the Acting Comptroller of Customs, F. A. Clinch, Esq.,  
 The Honourable the Deputy Director of Medical and Sanitary Services, Dr. H. B. S. Montgomery.

## ABSENT :

- His Excellency the Governor and Commander-in-Chief, Sir Hugh Clifford, G.C.M.G.,  
 His Honour the Acting Administrator, R. A. Roberts, Esq.,  
 The Honourable the Acting Commissioner of Lands, Captain W. J. Fitzgerald, M.C.

The Secretary, Southern Provinces and Colony :—I am very sorry that neither His Excellency the Governor, nor His Honour the Acting Administrator, is able to be present here to-day to preside at this meeting, and, in their absence, the duty devolves upon me.

## MINUTES.

The Minutes of the Meeting of the Council held on the 28th April, 1922, as circulated to Members, were confirmed.

## OATHS.

Mr. Frederick Baron Mulford, on provisional appointment as an Unofficial Member during the absence on leave of the Honourable Mr. A. M. Harvey, and Mr. Frederick Arnold Clinch, Acting Comptroller of Customs, on appointment as an Extraordinary Member, subscribed to the Oath of Allegiance and took their seats as Members of the Council.

## PAPERS.

- The Acting Attorney-General laid the following papers on the table :—  
 No. 14 of 1922.—Annual Reports by the Police Magistrates for the year 1921.  
 No. 15 of 1922.—Annual Report on the Posts and Telegraphs Department and Post Office Savings Bank for the year 1921.  
 No. 16 of 1922.—Annual Report on the Printing Department for the year 1921.  
 No. 17 of 1922.—Annual Report on the Police Department, Colony and Southern Provinces, for the year 1921.

## MOTIONS.

The Acting Comptroller of Customs :—I move the following motion standing on the Agenda :—

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

The Acting Attorney-General seconded.

object of Clause 3 is merely to enable a member of the Provincial Court to summon assessors. At present, as section 141 of the Principal Ordinance stands, the only officer responsible for summoning assessors is the Sheriff, and that is obviously inconvenient in the case of a Provincial Court.

The Secretary, Southern Provinces and Colony, seconded.

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

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

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

Clauses 1 to 3 and the enacting clause were read and passed, so far as they related to the Colony.

Title settled: "An Ordinance to amend the Criminal Procedure Ordinance, 1914."

On the motion of the Acting Attorney-General, seconded by the Secretary, Southern Provinces and Colony, the Council resumed.

The Acting Attorney-General:—I move the third reading of the Bill entitled, "An Ordinance to amend the Criminal Procedure Ordinance, 1914," so far as the provisions thereof relate to the Colony.

The Secretary, Southern Provinces and Colony, seconded.

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

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

Agreed to.

The Secretary, Southern Provinces and Colony:—I have to announce that it is not proposed to proceed with the last Bill appearing on the Agenda, namely the Loan Ordinance, at this meeting of the Council.

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

Counsel raised that objection on his own initiative—he had received no instructions from this Government to do so. The Nigerian Government had no intention whatever of shutting out an appeal. This Bill is, therefore, introduced so as to make it quite clear in future that the provisions of the section in question do not preclude the ordinary rights of appeal from decisions of the Supreme Court.

The Assistant Treasurer seconded.

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

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

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

Clause 1 was read and passed, so far as it related to the Colony.

Clause 2 was read. The Acting Attorney-General expressed the opinion that the wording of the proposed amendment, as it stood, did not make the position quite clear since there was the possibility of some doubt being entertained as to whether "Appeal Court" included the Privy Council, or not. In order, therefore, that any doubt in the matter should be removed, he moved that the words "Appeal Court" be deleted and the words "Full Court or Privy Council" be substituted therefor. The Acting Attorney-General added that an Honourable Member had, prior to this meeting, spoken to him about the point now raised, and he had informed him that he would move the amendment in Committee.

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

The enacting clause was read and passed, so far as it related to the Colony.

Title settled: "An Ordinance to amend the Public Lands Acquisition Ordinance, 1917."

On the motion of the Secretary, Southern Provinces and Colony, seconded by the Assistant Treasurer, the Council resumed.

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

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

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

Agreed to.

The Acting Attorney-General :—I move the first reading of a Bill entitled, "An Ordinance to amend the Criminal Procedure Ordinance, 1914," so far as the provisions thereof relate to the Colony.

The Secretary, Southern Provinces and Colony, seconded.

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

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

The Acting Attorney-General :—I move the second reading of the Bill entitled, "An Ordinance to amend the Criminal Procedure Ordinance, 1914," so far as the provisions thereof relate to the Colony. There are two amendments introduced in the Criminal Procedure Ordinance, 1914, by this Bill. One is in section 50 which deals with cases where, in the course of a trial or preliminary investigation, the Court has reason to believe that the accused person is of an unsound mind and, consequently, incapable of making his defence. There has been some doubt as to whether a preliminary investigation includes an inquest held on the body of a person believed to have been murdered, where a person accused of murder or manslaughter is brought before the Coroner. It is considered, for several reasons into which I need not enter, that such interpretation should not be put on those words. Clause 2 of this Bill is introduced merely to make the point quite clear.

With regard to Clause 3, this is connected with a Bill that was published in the same *Gazette* dated the 2nd of February last. In that Bill it is proposed to insert a new section in the Provincial Courts Ordinance, 1914, giving to Residents in charge of Provinces and Commissioners of Provincial Courts exercising full jurisdiction a discretion as to sitting with assessors in criminal trials. At present the law does not make any provision in that respect, except in the case of a Judge of the Supreme Court. The Bill to which I have referred is now ready for enactment, and it is desirable that the Bill now before the Council should be brought in at the same time, because the

His Excellency :—We are bound to choose what is essential, otherwise we defeat our object.

The Comptroller of Customs :—The value of cordage and twine—they are grouped together—imported in 1921 was £50,105, so there will be quite an appreciable amount of duty to be collected. In the case of twine, which is such a cheap article, the proposed duty will not alter the price much and it may encourage the use of the locally made variety which, I believe, would be suitable for closing the mouths of sacks.

His Excellency :—What is the proposed duty on it ?

The Comptroller of Customs :—15 per cent. *ad valorem*.

His Excellency :—I am afraid, as regards flour and rice, that we must adhere to the present scheme. They have been selected as being articles which are imported in considerable quantities and it is essential that we should choose articles that cannot easily be dispensed with, or we defeat our object.

Does any other Honourable Member desire to address the Council in connexion with this Order ?

Motion put and carried. Order approved accordingly.

#### BILLS.

The Secretary, Southern Provinces and Colony :—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 the Peace Treaty with Hungary," so far as the provisions thereof relate to the Colony. This is a stereotyped form of legislation and the objects and reasons are sufficiently explained in the printed copy of the Bill in the hands of Honourable Members.

The Acting Administrator seconded.

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

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

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

Clause 1 was read. On the motion of the Acting Attorney-General, the year "1921" was altered to "1922."

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

Clause 2 was read. On the motion of the Acting Attorney-General, the year "1921" appearing in the last line of subsection (2) was altered to "1920."

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

Clauses 3 and 4, the preamble, and the enacting clause were read and passed, so far as they related 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 the Peace Treaty with Hungary."

On the motion of the Secretary, Southern Provinces and Colony, seconded by the Assistant Treasurer, the Council resumed.

The Secretary, Southern Provinces and Colony :—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 the Peace Treaty with Hungary," so far as the provisions thereof relate to the Colony.

The Assistant Treasurer seconded.

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

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

Agreed to.

The Secretary, Southern Provinces and Colony :—I move the second reading of the Bill entitled, "An Ordinance to amend the Public Lands Acquisition Ordinance, 1917," so far as the provisions thereof relate to the Colony. In a recent appeal from the Supreme Court to the Privy Council the counsel for the Respondent who was nominally the Secretary, Southern Provinces, made a preliminary objection as to the competency of the appeal, and based it on section 20 of the Public Lands Acquisition Ordinance, 1917, which provides that the decision of the Supreme Court shall be final and conclusive.

or seven months, been worse than in any previous period I think on record, and nothing but sheer necessity has compelled my Government to introduce the further impositions. None the less, in the event of our being in a position to remit taxation, I am increasingly convinced that our first duty will be to reduce the export duties on produce rather than to reduce the import duties. We are committed, as you are aware, to a considerable number of public works which will eventually be, indirectly, of a remunerative character. These are being paid for out of Loan Funds, but it has been necessary to advance considerable sums from our surplus balances which will eventually be recovered from Loans and Honourable Members will realise that it will be necessary to raise a loan this year to repay these amounts. We are at present, to a very great extent, dependent on our surplus balances even for our current expenditure and, in order to finance the various public works to which we are committed and to carry on the ordinary work of administering the Colony and Protectorate, it is essential that we should make provision for an enhanced revenue, and for this reason you are asked this afternoon to accept the proposals which are now put forward. After very careful consideration, we have selected for additional taxation those articles which we have reason to think will most surely produce the revenue required and which will impose increased burdens on the more well-to-do sections of the community rather than upon the agricultural and producing classes.

There is only one other point that I should like to mention, and that is in connexion with the taxation on provisions. We regret the imposition of taxation upon provisions, from which the Colony has been free for a period of fifteen years, but, on the other hand, we realise that the tax on provisions will be paid mainly by the more well-to-do sections of the community—European and African—and, as I have already said, it is only fair that those sections should to-day bear as large a portion as possible of the increased burden, having regard to the fact that the ordinary native of the country—the farmer, the producer—is to-day bearing a very heavy burden in the form of export duties because, although the export duties are actually paid by the merchants, the individual producer is the person who really, in the end, bears practically the whole of that burden.

Does any Honourable Member desire to address the Council on the subject of his Order?

The Honourable Mr. Harvey :—I would like to say, Your Excellency, that I had, to some extent, contemplated an increase in the import duties very much in accordance with the Order in Council that has been read to us. Of course, personally, I very much regret that it is not possible at this moment—and I agree it does not yet seem possible—to combine the increase in the import duties with some remission of the export duties, because I think that the export duties as they stand constitute a heavy burden on the produce trade and while they remain in full force it is possible any increase in the import duties may cause the import trade to suffer and that these new duties may, therefore, fail to produce the revenue they are expected to do; while, on the other hand, if it is possible to remit the export duties on produce—and I note with pleasure Your Excellency's promise that this point will continue to occupy Government's attention—the increase in the shipment of produce will naturally lead one to expect an increase in the import trade.

As regards the items upon which duty is now leviable, I do not think that there is anything that calls for special criticism as far as I can see. There is one item, however, to which I should like to refer, and that is flour which I hardly think can be described as an article of consumption by only the more prosperous classes of the community. It seems to me that all classes consume bread whenever it is procurable. Flour too may be described in this sense as an unmanufactured article and the turning of it into bread affords occupation for a number of people. On those grounds I should be glad to see that article exempted from duty.

The Honourable Dr. Obasa :—May it please Your Excellency! I would like to express my agreement with what the Honourable Member sitting opposite me has just said. An article like rice is not now consumed mainly by the well-to-do—it is an article of food consumed as much by the less wealthy as by the wealthy, and I certainly think that, if that article can be exempted from duty, it will remove what would otherwise be felt as a great hardship.

The Honourable Mr. Evans :—There are one or two items that perhaps we could induce Your Excellency to allow to enter free of duty, and those are Cordage and Twine. I do not think that a great deal of cordage comes into this country since the natives do not use it much, but it is quite essential for the upkeep of shipping. As regards Twine, as bags for produce are free, I think that twine for sewing the bags should also be admitted free.

Under the circumstances, perhaps the Comptroller of Customs will see his way to recommend that the duty now imposed on the articles in question may be removed or at any rate reduced.

His Excellency :—But it is not a prohibitive duty?

The Honourable Mr. Evans :—It is not, but the amount that is imported is so small as to hardly increase the Revenue.

The Comptroller of Customs laid on the table the draft Order in Council made under the Customs Tariff Ordinance, 1916. Through an oversight copies of this Order were not available for circulation to Honourable Members at this meeting, but His Excellency requested the Comptroller of Customs to read to the Council the changes and additions proposed in the Order to be made in the existing duties.

The Comptroller of Customs:—Your Excellency and Honourable Members, I have to move 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. The effect of this Order will be, in the first place, to increase the existing *ad valorem* duties from 12½ to 15 *per cent.* This is estimated to produce £60,000 in a full year and, if the Merchants have passed on to the producer the recent reduction in outward ocean freights which came into force in January, it is hardly likely that this increase of 2½ *per cent.* in the duties will be very greatly felt. On the Gold Coast the *ad valorem* duty on practically all articles liable to such is 20 *per cent.* In Sierra Leone the rate is 25 *per cent.*

The second proposal is that there will be added to the *ad valorem* list the following articles which have hitherto been on the free list:—

Glassware,	Jewellery and plate,
Haberdashery,	Musical Instruments,
Hardware, including articles of brass, copper, and zinc manufacture,	Perfumery, other than perfumed spirits,
Brooms and brushes,	Pipes, smoking,
Candles,	Prints and engravings,
Cordage and Twine,	Toys and games.

It is hoped that the yield from these articles will be £27,000 in a full year. Only few of them can really be regarded in the light of necessities.

The third proposal is to place a duty of 10 *per cent.* on corrugated iron sheets. It is hoped that the amount to be derived from this will be £7,000 in a full year, although the quantities imported recently have been very considerable. The amount imported in the first three months of this year was 1,581 tons as compared with 206 tons in the corresponding quarter of last year, so that it is possible that the amount of duty expected from this source will not be quite realised.

The last proposal is to impose 15 *per cent.* *ad valorem* duty on provisions, and the articles which come under the head of provisions are:—

- Bread and biscuits,
- Fish, other than fresh fish,
- Flour,
- Provisions, other than fresh provisions,

His Excellency:—Does that include the Cold Storage provisions? Ans.:—No, Sir, those come under "fresh provisions" which are exempt from duty.

The Comptroller of Customs (continuing):—

- Rice,
- Sugar, and
- Tea.

It is estimated that the yield from provisions will be £67,000 in a full year. Provisions were liable to duty in this Colony up to 1907. In that year when the revenue derived from spirits amounted to no less than £807,000 the duty was removed and provisions were placed on the free list. In 1921 the duties on spirits only yielded £206,000. I think that there are few Governments which do not tax sugar, tea and probably many other articles which come under provisions. Nigeria has always enjoyed a very comprehensive free list, and the articles mentioned will not reduce it very materially.

The total estimated revenue from these proposals is £161,000 in a full year.

The Acting Administrator seconded.

His Excellency:—Before the motion is put to the Council, I should like to express to you, Honourable Members, my extreme regret that copies of this document have not, as is usual and proper, been prepared in advance to be placed in your hands as soon as the motion was moved. You will realise that it is necessary, on occasions when it is proposed to increase existing taxation, that action should be taken without any previous notice so as to prevent the removal of goods from bond and other means of escaping burdens that are about to be imposed, but, in spite of that, it is usual always to have copies of the document ready for circulation to Honourable Members, and I am very sorry that, on this occasion, that course has not been taken.

I should like to say that it is with the greatest reluctance that my Government finds itself compelled to impose further import duties. At the present moment we are going through an exceedingly difficult period. Trade in Nigeria has, during the last six

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 FRIDAY, THE 28th APRIL, 1922.

## PRESENT:

- His Excellency the Governor and Commander-in-Chief, Sir Hugh Clifford, G.C.M.G.,  
 His Honour the Acting Administrator, R. A. Roberts, Esq.,  
 The Honourable the Secretary, Southern Provinces and Colony, Lieutenant-Colonel F. Jenkins, C.M.G.,  
 The Honourable the Assistant Treasurer, A. H. Hodges, Esq.,  
 The Honourable the Acting Commissioner of Lands, F. E. Knapp, Esq.,  
 The Honourable Mr. E. O. Moore,  
 The Honourable Mr. A. M. Harvey,  
 The Honourable Dr. O. Obasa,  
 The Honourable Mr. W. A. E. Evans,  
 The Honourable the Acting Attorney-General, M. L. Tew, Esq.,  
 The Honourable the Comptroller of Customs, J. D. Milne Stewart, Esq.,  
 The Honourable the Assistant Director of Medical Service, Dr. G. B. Norman.

## MINUTES.

The Minutes of the Meeting of the Council held on the 29th March, 1922, as circulated to Members, were confirmed.

## OATHS.

Mr. William Alfred Edward Evans, on provisional appointment as an Unofficial Member during the absence on leave of the Honourable Mr. S. Waring, subscribed to the Oath of Allegiance and took his seat as a Member of the Council.

## PAPERS.

The Secretary, Southern Provinces and Colony, laid the following paper on the table:—

No. 13 of 1922.—Annual Report on the Medical Research Institute for the year, 1920.

## MOTIONS.

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

“That this Council approves of the Order in Council made under the Water-works Ordinance, 1915, now laid on the table.”

The object of this Order is to enable the Water Rate to be levied on the properties which have been assessed on the Ikoyi Areas. The original assessment area excluded Ikoyi, being bounded in this direction by the Macgregor Canal. The present Order covers the area defined by the *Gazette* Notice of December 15th, 1921, and brings under assessment the houses of the non-officials now living in Ikoyi.

The Clerk of the Council passed copies of the Order round to Honourable Members.

The Assistant Treasurer seconded.

His Excellency:—Does any Honourable Member desire to address the Council on the subject of this Order?

Motion put and carried. Order approved accordingly.



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

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

The Secretary, Southern Provinces and Colony :—I move the second reading of the Bill entitled "An Ordinance to provide for the Service of the Colony of Nigeria, for the year ending the thirty-first day of March, one thousand nine hundred and twenty-three."

The Assistant Treasurer seconded.

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

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

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

Clauses 1 to 4 were read and passed.

His Excellency :—If any Honourable Member has any remarks to make under any of the Heads of the Schedule while the clerk is reading it, perhaps he will stop him and we will then discuss the matter.

The schedule, preamble and enacting clause were read and passed.

Title settled : "An Ordinance to provide for the Service of the Colony of Nigeria, for the year ending the thirty-first day of March, one thousand nine hundred and twenty-three."

On the motion of the Secretary, Southern Provinces and Colony, seconded by the Assistant Treasurer, the Council resumed.

The Secretary, Southern Provinces and Colony :—I move the third reading of the Bill entitled "An Ordinance to provide for the Service of the Colony of Nigeria, for the year ending the thirty-first day of March, one thousand nine hundred and twenty-three."

The Assistant Treasurer seconded.

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

Question put that the Bill 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 attendance here to-day and declare the Council adjourned *sine die*.

The Secretary, Southern Provinces and Colony:—I move the first reading of a Bill entitled, "An Ordinance to amend the Palm Kernels (Export Duty) (No. 2) Ordinance, 1919," so far as the provisions thereof relate to the Colony.

The Assistant Treasurer seconded.

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

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

The Secretary, Southern Provinces and Colony:—I move the second reading of the Bill entitled, "An Ordinance to amend the Palm Kernels (Export Duty) (No. 2) Ordinance, 1919," so far as the provisions thereof relate to the Colony. The objects and reasons are sufficiently explained in the copy of the Bill in the hands of Honourable Members.

The Assistant Treasurer seconded.

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

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

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

Clause 1 was read. On the motion of the Acting Attorney-General, the year 1921 " was altered to " 1922."

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

Clause 2 was read. On the motion of the Acting Attorney-General, the word "water" was inserted between the words "inland" and "navigation" in the second line of the proposed amendment, and, in the same line, the words "from places beyond Nigerian territory" were also inserted between the words "navigation" and "shall." The Acting Attorney-General observed that he had proposed the foregoing amendment in the proviso so as to obviate the possibility of any doubt that the exemption from payment of duty was granted only in the case of palm kernels in transit from places beyond Nigerian territory. The proviso as originally worded might apply to palm kernels exported from one port in Nigeria and transhipped at another port. The proviso as now amended read:—

"Provided that palm kernels in transit by sea or inland water navigation from places beyond Nigerian territory shall be exempt from the said duty."

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

The enacting clause was read and passed, so far as it related to the Colony.

Title settled: "An Ordinance to amend the Palm Kernels (Export Duty) (No. 2) Ordinance, 1919."

On the motion of the Secretary, Southern Provinces and Colony, seconded by the Assistant Treasurer, the Council resumed.

The Secretary, Southern Provinces and Colony:—I move the third reading of the Bill entitled "An Ordinance to amend the Palm Kernels (Export Duty) (No. 2) Ordinance, 1919," so far as the provisions thereof relate to the Colony.

The Assistant Treasurer seconded.

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

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

Agreed to.

The Secretary, Southern Provinces and Colony:—I move the first reading of a Bill entitled "An Ordinance to amend the Public Lands Acquisition Ordinance, 1917," so far as the provisions thereof relate to the Colony.

The Assistant Treasurer seconded.

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

The Secretary, Southern Provinces and Colony:—I move the first reading of a Bill entitled "An Ordinance to provide for the Service of the Colony of Nigeria, for the year ending the thirty-first day of March, one thousand nine hundred and twenty-three."

The Assistant Treasurer seconded.

Council, as constituted now, there will be found the germ of further political development, which will follow according to the uses to which the power now given is put; and, above all, I believe that the institution of this Council, which will bring together so many sections of the various communities in close and frequent contact, and in close discussion of matters in which we are all keenly interested, will produce a healthier political atmosphere than that which has prevailed in Nigeria during the last few years.

It will take some time for the documents, which are only now being returned to the Secretary of State, to be prepared and many submitted to His Majesty; but I think we can promise ourselves that, before the next Estimates are ready for discussion, the Council will be in existence, and that the procedure which I have explained to you will be put into force for the first time in the history of Nigeria, every item of expenditure suggested by the Government being subjected to discussion by all those representatives of the general public who have seats upon the Council or by the Committee specially selected by the Council to consider the Estimates in detail.

I believe that the creation of this Council of Government will be attended by many advantages; but of these foremost of all, I place, perhaps, the added trust and confidence that I hope, as a result of this institution, will grow up between all sections of the community throughout Nigeria. I believe that with the co-operation of all who are connected with public affairs,—whether officials like myself, whose life's work is devoted to Nigeria, or unofficials whose every interest is centered in this country in which they live and move and have their being,—I believe that the co-operation and better understanding between all sections of the community, which I hope will result from the institution of this Council, will tend to the better government of Nigeria and to the enhancement of its prosperity; and I also hope that when in some far-off day a further development of the political institutions of Nigeria becomes necessary, this new institution will be recognised by those who come after us as the first really upward step towards responsible popular government that has been voluntarily taken by any Nigerian Administration in the interests of the people of this great Dependency.

#### PAPERS.

The Secretary, Southern Provinces and Colony, laid the following papers on the table:—

No. 8 of 1922.—Annual Report on the Prisons Department, Colony and Southern Provinces, for the period 1st January, 1920, to 31st March, 1921.

No. 9 of 1922.—Annual Report on the Education Department, Southern Provinces and Colony, for the period January, 1920, to March, 1921.

No. 10 of 1922.—Annual Report on the Lands Department, for the period 1st January, 1920, to 31st March, 1921.

No. 11 of 1922.—Annual Report on the Supreme Court of Nigeria, for the period 1st October, 1920, to 30th September, 1921.

No. 12 of 1922.—Financial Returns for the period 1st January to 31st March, 1922.

#### BILLS.

The Secretary, Southern Provinces and Colony:—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 the Peace Treaty with Hungary," so far as the provisions thereof relate to the Colony.

The Assistant Treasurer seconded.

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

Council as the accredited spokesman of that particular part of the country. In the case, for instance, of such a place as Abeokuta, I should be mainly guided in my selection by the fact that the person to be nominated enjoyed the confidence of the Alake and his Council, was himself a person of good character, and was well acquainted with the English language, so that he could efficiently represent that portion of the country on the Council and join freely in its debates.

I should like to say one word concerning the apparent disparity of numbers between the official and the unofficial sides of the new Council of Government. As I have said, the former will number twenty-seven and the latter eighteen, thus giving to the Government, in a fully attended Council, a majority of nine. In ordinary circumstances, however, often none or at the most one Senior Resident—viz., the Resident of Oyo,—will be able to attend meetings of Council; and this at once reduces the number of Government Members to eighteen. Similarly the Lieutenant Governor of the Northern Provinces, the Commandant of the Nigeria Regiment, and the Secretary to the Northern Provinces will only occasionally be able to attend; and when these facts are remembered, it will be admitted, I think, that, on normal occasions, the Government will not possess in the Council a very formidable majority.

Now the powers of the Council will be as follows: They will legislate only for the Colony and for the Protectorate of the Southern Provinces. In the case of laws that affect the Northern Provinces, legislation will continue to be enacted by the Governor, who, individually and through the Lieutenant Governor of the Northern Provinces and the Residents accredited to the Courts of the various Emirs, is in a position to keep in touch with the feelings and wishes of the Rulers of those Emirates in a manner that would not be possible for any body such as the Council of Government sitting in Lagos to do. If the right to legislate for the Northern Emirates were to be given to a Body such as the Council of Government in Lagos, with which the Emirs will have no immediate and close connection, there can be no doubt that such action on the part of the Government would be resented, and justly resented, by the Emirs and by their principal Councillors. It is, therefore, proposed that the powers of the Council with regard to legislation should be confined to the Southern Provinces and to the Colony. On the other hand, all public expenditure, whether it be expended in whole or in part, in the North or in the South, so long as it issues from the Public Treasury, will come within the scrutiny of the Council of Government. Also any matter of public interest may be raised for debate in this Council, whether it be a matter concerning the policy of the Government or the action of any of its officers; and there will be no restriction upon the Council's free discussion in debate of any such question of public interest that may from time to time arise, no matter whether it relate to the Colony or to any part of the Protectorate, north, south, east or west.

Now, that in outline—in very brief outline—is the scheme that has been submitted by me to the Secretary of State for the Colonies and which, without alteration, the Secretary of State has done me the honour to approve. I believe that the foundations upon which this scheme stands are sound in principle. I believe that the Council of Government will tend to satisfy the legitimate aspirations and ambitions among the more intelligent and the more advanced sections of the local communities which, during the last few years, have not been given the political scope which they desire and which I am convinced that they deserve. I believe it will fulfil in itself many useful and practical purposes, such as, in the course of my address to you this afternoon, I have had occasion to indicate. I believe that in this

the Lieutenant Governor of the South—the Commandant of the Nigeria Regiment, the Attorney-General, the Director of Medical and Sanitary Services, the Treasurer, the Director of Marine, the Comptroller of Customs, and the Secretary for Native Affairs. The Members of the Executive Council are ten in number, and that, with the Governor, will make eleven. There will also be the ten Senior Residents for the time being on duty in Nigeria: that will make a total of twenty-one. Then the Deputy Chief Secretary and the Secretaries of the Northern and Southern Provinces respectively, will also have seats on this Council, making a further addition of three, thus bringing the number up to twenty-four including the Governor. And, finally, there will be the representatives of the three great Departments which come into peculiarly close touch with the general public and concerning the management of whose affairs the general public necessarily take a very vital interest. I refer to the General Manager of the Railway, the Director of Public Works, and the Postmaster-General, all of whom will be Members of the Council of Government. That makes twenty-seven officials all told, including the Governor.

Now I come to the unofficial element. The town of Lagos is, to all intents and purposes, a major part of the Colony of Nigeria. It is going to lose its Legislative Council and it is necessary that we should compensate it for that loss, although I cannot myself believe that this Council, as at present constituted, is able to exercise upon public affairs the sort of influence which such a Body should by right exercise and its disappearance from the scheme will not therefore be deeply felt. We propose that the town of Lagos—the Municipal area of Lagos—should return to the Council three Members and that those Members should all be elected by the ratepayers within the municipal area. It is proposed, in the case of Calabar, that one Member should be returned, and that that Member should similarly be elected by the ratepayers of Calabar. It is further proposed that the Chambers of Commerce of Lagos, of Calabar and of Kano should each select one Member to represent it upon the Council of Government. Similarly, the local Chamber of Mines will be invited to select one Member to represent it also on the Council of Government; and two Members will be nominated by the Governor to represent, respectively, the specific interests of Shipping and Banking. That will leave eight Members still to make up the complete number of eighteen which is the number of Unofficial Members that has been approved, making four elected and fourteen nominated Members. Those eight Members will be nominated by the Governor, as far as possible, to represent African interests in parts of Nigeria which are not sufficiently advanced to elect their own Members.

As regards the elected unofficial Members, there will be certain qualifications required of candidates. They will have to be British subjects or natives of the Protectorate of Nigeria; they will have to have attained the age of 21 before they stand for election; they will have to be in possession of an income of no less than £100 *per annum*; they will have to have been resident in Nigeria for a continuous period of twelve months prior to the date upon which their names are put up for election; and they will, of course, have to fulfil the same qualifications which are required for Members of the Municipality,—for instance, persons who have been convicted of felonies and things of that sort will not be eligible for election.

As regards the nominated Members representing African interests, the consideration which will mainly guide their selection will be the existence, in the case of such places as Onitsha, or Lokoja, or Ibadan, or Abeokuta, of some person who enjoys the confidence of the local public and who can fittingly be nominated to sit on the

believed by myself and by my colleagues that the country will be better administered under the system which I am explaining to you than it is possible to-day to govern it under the existing system—it is my earnest hope, I say, that the power which is about to be transferred to the people will be wisely and soberly used, with a very strong sense of the heavy responsibility towards the Nigerian public which will rest upon the representatives on the Council who hereafter will have the right and full authority to speak for those who have sent them to its Board.

Now, you can imagine I think, that very great difficulties attended the solution of the problem as to how a Council could be devised and worked in a country such as Nigeria that would meet even partially the various functions of a Council of Government such as that which I have been describing. The vast extent of the country, the great and well-known difficulty of communication in many parts of it, the heterogenous character of the people, the diversity of the stages of civilisation to which many of them have attained, the diversity of race, of religion and of language, the diversity of local forms of government,—every one of these things contributed complications and added difficulties to the solution of the problem with which I was faced. But the greatest difficulty of all, as I first viewed the matter, was the complete autonomy which is enjoyed in the Emirates of the North and in certain of the Native States of the Yoruba Country, where the *de facto* Government is not the Government of Nigeria, but the Native Administrations which control the affairs and rule the populations of their own Emirates or Kingdoms, as the case may be, with none save advisory assistance and control from the officers of the Nigerian Government. In fact, the problem came to this: How was I to devise a Council which would preserve Native Administrations from encroachment and interference which they would have every right to resent, and at the same time would afford to the more politically advanced sections of the populace in the South adequate opportunity for their political development, and for the development without let or hindrance of such political instinct and genius as they may possess? For it must be realised that, when the amalgamation scheme was promulgated in 1914, not only were the political institutions of the South arrested in their then state of development, but an actually retrograde step was taken, the amount of popular representation which had been enjoyed in the past by the Council of Southern Nigeria ceasing to exist, that Body being abolished and replaced by this Legislative Council which I am addressing this afternoon, and by the Nigerian Council—neither of which have proved an efficient substitute for it. This meant, for the time being, closing the door to the natural political development of the more politically minded sections of the communities of the Southern Provinces of Nigeria.

Such was the problem that I had set myself to solve, and, as the result of very careful discussion and study—discussion with men of many shades of opinion, and study of local conditions made as painstakingly as the circumstances at my disposal rendered possible—I hit upon a solution which, I trust, will prove to be fairly efficient, even if it can lay no claim to be all that the heart of man can desire. There are so very few things in the world that the heart of man does not desire, that I could not for a moment dream that any proposals that might emanate from me could possibly satisfy the insatiable.

Now I am going to tell you what will be the *personnel* of the Council. Taking first the official side, there will be the Governor, who will be the President of the Council, and there will be the Members of the Executive Council, namely the Chief Secretary, the two Lieutenant Governors—the Lieutenant Governor of the North and

disposal of the Government, which was thus placed in a position to appreciate the character of the results that were likely therefrom to ensue.

Now, let us turn to the advantages which the Council of Government may claim to have from the point of view of the general public. To begin with, it gets over the very high fence of taxation without representation. No man likes to be taxed, but intelligent and politically minded people dislike even more to be taxed and at the same time to have no voice in the nature of the tax that is to be imposed, and no power to criticise the means of levying the taxation which from time to time is exacted from them. In the end, we all have to pay taxes, because the country cannot get on without them; but we do like to have some sort of moderating voice in the decision as to the forms which that taxation is to take. A Council also dispells, once for all, the suspicions which are almost inevitably aroused when there is no means of criticising public acts otherwise than in newspapers, and few means of ascertaining the full truth about any matter that is exciting public interest. It will have the effect, I say, of dispelling suspicion which in existing circumstances inevitably arises—circumstances which I believe in some of the local papers are described as “hole and corner” methods of administration. When you have the whole action of Government brought forward, not only with the Estimates, but from month to month, with the meetings of Council,—when debates can be raised on any subject on which it is felt that the action of Government is susceptible of misunderstanding—when you have that at your disposal, suspicion of the actions of Government is likely very soon to be dispelled, and with even greater advantage to the persons who harbour those suspicions than to me and to my colleagues who have, from time to time, been the object of them.

But quite apart from that, in the age in which we are living, no self-respecting community which has reached a certain political standard and sense of appreciation of public affairs, can readily submit to the humiliation of having all its public business transacted for it by a Governor, no matter how wise, and by his Executive Council, no matter how strong and perfect, without its voice being for a moment heard. A civilised community to-day cannot submit indefinitely to a continuous performance by a Government of something closely resembling the “confidence trick.” Government may constantly tell you that your affairs have been considered and dealt with with the utmost care, but unless the data upon which that consideration has had its foundation and upon which are based the decisions of the Government, are made accessible to the public, the latter are placed very much in the position that is occupied by the victims of the authorities of the nursery or of the schoolmaster who tell the young and immature of our kind that they know what is best for them when decreeing, for instance, that they are not to have any sugar in their tea.

That, in future, will not operate any longer in Nigeria; and the general public who are interested in the affairs of the country, will be able to obtain from the Governor and from his colleagues through their own representatives upon the Council of Government, the fullest information concerning public affairs, by means of which they can themselves judge whether the decisions arrived at are wise and just or the reverse. Moreover, by public debate will be shown what the feeling of the general public is on any given matter, and unofficial members will thereby bring a very considerable influence to bear upon the conduct of public business. I hope very sincerely that that power which is now being surrendered voluntarily, you will not give up,—not as the result of any agitation, but purely because it is

before they are allowed to gain currency, it is very easy to engender discontent and disaffection in people who are themselves innocent of offence, but who can very readily be quickened to a sense of apprehension, suspicion and dismay. Such an instrument is furnished to the Administration by a Council of Government. But most valuable of all, perhaps, in the fact that a Council of Government supplies a perfectly natural and automatic channel of communication between the Government and the intelligent public with which it has to deal. At the present moment, in my opinion, and as far as I can find as a result of my two and a half years' experience in Nigeria, the Government and the intelligent sections of the public are almost completely divorced from one another, except when, by the special effort and endeavour of individuals, some sort of temporary contact is, for the moment, established. Now, when you have got a number of people keenly interested in the affairs of the country sitting round a table with a number of officials who are equally keen to do what is best for that country, it follows that personal and intimate relations are apt to be speedily established between them; and, therefore, in the event, for instance, of some unhappy rumour reaching an unofficial member of such a Council, his first instinct is to turn, not to the inflammatory newspaper or to the still more inflammable crowd in Tinubu Square, but to the Chief Secretary to Government or to one or other of the responsible officials directly concerned, in order to find out how matters really stand, and if necessary, to bring the question up for debate in the Council of Government. I believe that that alone is going to be a very valuable asset, not only in the hands of the Government, but in the hands of certain sections of the community who really have the welfare of this country at heart. And, in this connection, I would suggest to you that at the present time the only really effective criticism of the measures of Government comes almost exclusively from those sections of the mercantile community which are represented by certain Bodies in England, one of whose leading members, Mr. Rickaby, is present in this Chamber this afternoon. I refer to the Chambers of Commerce of London, Liverpool and Manchester. They have a great deal to say in criticism of Government measures, and I must say that, although sometimes their criticisms inevitably appear somewhat one-sided, on other occasions they criticise with a force and a penetration such as one has learned to expect from the business experts who belong to those three great Commercial Institutions. But no matter how useful and effective the criticisms of the Chambers of Commerce may be, one is compelled to realise that they only come from one particular quarter only; and if you are going to have the actions of Government thoroughly criticised and properly scrutinised, your criticism ought to be of a far more catholic character than that. This, I think, will be secured by the Council of Government which it is proposed to establish in our midst. And here I would say a word to my colleagues about the value of criticism. It is sometimes thought even by senior public officers that to listen tolerantly to the criticism of one's actions is almost an unworthy act, and indicates a lack of confidence in one's own wisdom and judgment. Personally, I have always regarded criticism, provided it is honest, as one of the most useful tools in the hands of Government. It may show Government officers weak points which their own more restricted knowledge of local conditions would almost inevitably cause them to ignore; it may warn them in what direction to look for opposition against measures which they believe to be necessary for the public good. It may—I have often known this to happen in other Colonies—it may cause measures to be so radically altered or even withdrawn, that action which might have caused a very considerable disturbance of the public peace has been avoided, purely though the fact that timely criticism was at the



instrument for the removal of misapprehensions and misunderstandings, and it enables the Government to place before a number of business men the reasons that actuate it, and, possibly, to prove to them and to the general public that it is neither altogether a knave nor completely a fool. That, in itself, is not altogether disadvantageous; but I would suggest to you, Honourable Gentlemen, that the advantages that accrue from a Council such as this are shared pretty equally between those who govern, on the one side, and those who are governed, on the other. From the point of view of those who govern, for instance, I know nothing—and I speak from long and extended experience of colonial administration—I know nothing that has so steadying and so salutary an effect upon the actions of Government and of its officers, from the Governor himself down to the last joined cadet, as the institution of a Council such as this. I may say that this is the very first Colony in which I have served during the eight and thirty years which it has been my privilege to live and work in the Tropical Colonies of the Empire in which there has been no necessity for the Governor to put to himself the simple question which is the first that occurs to the Governor of any other Colony with which I am acquainted; and that question, which he puts to himself when giving an order or recording a decision, if he is in any doubt, is: "How should I defend this order or this decision if it were brought up in debate in the Council of Government?" And even a newly joined cadet, when moved for the moment by the impetuosity of youth, finding himself tempted to commit some arbitrary act, he also will have to say to himself: "How would this thing look if they were to have in question in the Council of Government and if they were to have me 'on the mat' about it?" These considerations, I can assure you, have an admirably chastening and most restraining effect upon even the most judicious, even the most cautious, even the most ambitious, and even the boldest of Government officers; and it has always seemed to me to be a very real loss to the public service over which I have the honour at this moment to preside that it has never been taught to ask itself, and has never had to teach itself to ask, questions such as I have indicated, which cannot but arouse in a man's own conscience an added sense of responsibility, which sets him scrutinising the methods he is using in the discharge of his duties and asking himself whether they are right or wrong. I think that is going to be a distinct gain; but I should like to say that it is very greatly to the credit of the officers in the Public Service of Nigeria that, in spite of the fact that, in carrying out their duties, they have hitherto lacked these adventitious aids to rectitude, their record is the fine record that it is.

There is another point—a very important point and a very advantageous point from the standpoint of Government—and that is that a Council of Government, such as that of which I am speaking, provides the Government with the means of dispelling mischievous and spiteful rumours as to its actions and intentions. Now rumours of that description are very dangerous weapons if they find their way into the hands of sufficiently astute and unscrupulous people, who are dealing with ignorant masses of almost incredible credulity—masses who will believe almost anything that is told to them, no matter how clearly it may appear to better informed minds that the thing alleged could not have any foundation in truth. Now the day that any such rumour is started—and such rumours, as a rule, have a certain substratum of fact underlying a surface no matter how distorted and grotesque, for "the lie that is half a truth, is ever the blackest of lies"—the day, I say, that such rumours are started, if you have not the means at your disposal of nailing such forged half-crowns promptly to the counter

The Nigerian Council as at present constituted, which, as I have said, only possesses advisory and deliberative powers and meets at very rare intervals, will similarly disappear from the scene. I do not think that any appreciable loss will be suffered by the Colony and Protectorate of Nigeria by the disappearance of that quite recent institution.

Now, before I tell you in detail what the scheme is to which the approval of the Secretary of State has been accorded, I should like to say a few words as to the functions of a Council of Government, such as that which it is proposed to inaugurate in Nigeria as soon as the necessary documents can be submitted to His Majesty for approval and signature.

The *raison d'être*,—the object of the existence—of a Council of Government in a Colony and Protectorate such as this, is primarily to give a voice in the management of their affairs to the intelligent and actively politically minded sections of the local community; to afford to all persons interested in public affairs throughout the Country the fullest information concerning the actions and the intentions of Government and the reasons which actuate it in forming its policy; to enable those who are interested in such matters to keep always a close eye upon the actions which the Government is taking, and not only upon the actions which it is taking, but upon the projects which it entertains and upon the actions which it contemplates; and also to watch the financial affairs of the country, which are really the mainspring which regulates all activities of a public character in a country such as this. I should explain that, in future, the Annual Estimates for the whole of Nigeria will be submitted to the Council of Government in proof, having been circulated to its Members some days in advance, that, when the Council meets, beyond an Address by the Governor on the general situation, no business will be transacted except that the Council will select a Committee which will sit under the presidency of the Chief Secretary to Government, or the officer for the time being acting in that capacity; and that by that Committee the draft Estimates will be examined item by item, Heads of Departments attending at meetings of the Committee and affording to its members any information which they may require with regard to any provision that is made or any omission that can be detected. For instance, the Honourable Member on the Committee who is particularly anxious to have a road constructed leading to his own private domain will have to make good to his colleagues his reasons for his advocacy of such a scheme. Similarly, the Director of Public Works will have to convince the members of the Committee that his proposals are sound and such as to justify the expenditure provided. It will mean that when the Estimates leave this Colony, and are submitted to the Secretary of State for the Colonies for his final approval, they will carry with them, not only the endorsement of the Governor and his colleagues, but that of the accredited representatives of the various interested sections of the community of Nigeria itself; and I may suggest that recommendations and proposals which bear that double endorsement are less likely to endure mortifying alterations than are documents which, up to the moment of their publication locally, have been seen by nobody but the Governor and his colleagues.

A further object that is fulfilled by the institution of a Council, such as that of which I am speaking, is that it affords a welcome opportunity for ventilating any grievances that at the moment may be causing exacerbation to any portion of the community, or, even in extreme cases, to individuals, on behalf of whom a Member of the Council may feel justified in interposing. It is a potent

know what the left hand was doing, but so that even each separate digit would know the work upon which the remaining digits were engaged, and be able to co-operate with one another in their common task. That, in itself, I can assure you, entailed no light labour; but in the somewhat bulky Address, which I laid on the table of the Nigerian Council on the 29th of December, 1920,—a volume which I am assured quite a large proportion of the Members of that Council have done me the honour of reading,—I stated:—

“During the past twenty months I have been devoting a considerable amount of thought and attention to the question of the lines upon which the Nigerian Council might profitably be reconstructed in order to make it a serious factor in the government of the Colony and Protectorate” (quoting, you will observe, the words that were used by the late Mr. McNeill), “and also as truly and practically representative of all Nigerian interests as is to-day possible for any Assembly of the kind, having regard to the vastness of the country and to the great diversity of race, of degrees of civilisation, of political and social institutions, of language and of religious beliefs and observances which obtain amongst its inhabitants.”

I left this country to proceed on leave, at the end of a twenty-month tour, on the 4th of April last year; and the mail which carried me home carried also a despatch dated the 29th of March, 1921, in which I formulated certain proposals for the consideration of Mr. Churchill, the Principal Secretary of State for the Colonies, for the institution in Nigeria of a more thoroughly representative, a more efficient and a more popular Assembly than any that has hitherto existed.

While in England, I had the advantage of discussing with Mr. Churchill's principal colleagues, including the Parliamentary Under Secretary of State, Mr. Wood, the details of my scheme; but it was not until the 10th of February last that I received a despatch, dated the 16th of January, which notified me of the consent of the Secretary of State for the Colonies to the proposals which I had had the honour to make.

As I was leaving Lagos on the 11th February for a prolonged tour through the Northern Provinces, it was not possible to make any announcement whatever at that time; but I have taken this opportunity, as soon as possible after my return to Headquarters, to explain publicly, primarily to this Council which is a Body very intimately affected by the proposed alterations of the Constitution, and, through this Council, to the general public, and those who have taken an intelligent and active interest in the management of Nigerian affairs, the proposals which I submitted to the Secretary of State, and which he has now approved, while sending me the necessary documents in draft for final revision before they are submitted to His Majesty in Council for His Majesty's consent.

Under the new scheme, this Council, which I am addressing this afternoon, and the Nigerian Council will both disappear. The Legislative Council of the Colony has to-day so restricted a jurisdiction, and I should add so restricted an outlook upon public affairs, owing to the fact that it is only able to obtain a moiety of the information upon which reliable opinions can with a certainty be based before it records any decision, more especially in financial matters, that its practical utility, its authority and its prestige are correspondingly circumscribed. The Legislative Council will, I say, disappear and will be merged into the new Council which it is proposed shall be called the Council of Government.

all precedent, in order that as many officers as possible should be released for military service, at a time of immense moment and crisis to the whole Empire of which Nigeria forms but a minor part. And when the War was over, Sir Frederick's tenure of office had come to an end, and the time for considering the alterations in the original scheme of amalgamation had arrived at a moment when he was about to lay down the duties that he had borne so heroically and so arduously for so long. We are glad to remember that, on his retirement, as a fitting crown of reward for the strenuous labours on which he had been engaged for his King and Country all his life, he was awarded the singular honour of being called to His Majesty's Privy Council.

It fell to my lot, Honourable Members, to assume the Government of Nigeria in succession to Sir Frederick Lugard, and it fell to my lot also, as Governor of Nigeria, to scrutinise the machinery under which the Administration had up to that time been run, in the face of many serious handicaps, for a period of five years. And after examining the position as I found it with the most anxious care and under a heavy sense of my responsibility, I came to the conclusion that there were two principal lacks that rendered the machinery which I had inherited inadequate to perform the functions that were demanded of it.

The first of these was, in my opinion, the inadequate provision that was made for the co-ordination of the work of the various Departments of Government and, after considerable correspondence with Lord Milner, who was at that time His Majesty's Principal Secretary of State for the Colonies, and, after discussing the matter from many and various points of view, a new scheme was framed which took effect from the 1st of January, 1921. I have every reason to believe that under the able management of the Chief Secretary to the Government, Mr. Cameron, and of the two Lieutenant Governors, Lieutenant-Colonel Moorhouse and Mr. Gowers, that scheme has proved absolutely successful, and is at the present moment functioning in a manner which I, its principal deviser, could not hope to see excelled. There remained, however, the question of the proper representation of the various interests in Nigeria for which the amalgamation scheme had made certain provision, but provision which, in my opinion, was inadequate. For example the purview of this Council, which I have the honour of addressing to-day, is limited to the Colony which, as we all know, is an infinitesimal fraction of that huge entity which men call Nigeria.

Then there is the Nigerian Council. The Nigerian Council, as you are aware, has none save advisory powers. It is only called together at very rare intervals. It is a debating society in whose debates the rank and file of the members have shown a singular reluctance to join. It may be within your recollection that on the first occasion upon which it was my privilege to preside over a meeting of the Nigerian Council, the late Mr. Robert McNeill put forward a motion in which he said that he thought that it would be better if the Nigerian Council could be abolished, "unless it could be made a serious factor in the Government of the Colony and Protectorate."

Now, Honourable Members, during the major portion of my first tour of service as Governor of Nigeria, my time was mainly occupied in carrying out the routine work which, under the system I had inherited, was by no means a light task, and also in reconstructing the administrative and secretarial machinery, in order to relieve the Governor of much detail work, and at the same time to inaugurate a system whereby all public work throughout Nigeria would be properly co-ordinated, so that not only could the right hand

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 29th MARCH, 1922.

PRESENT :

- His Excellency the Governor and Commander-in-Chief, Sir Hugh Clifford, G.C.M.G.,  
His Honour the Administrator, Lieutenant-Colonel H. C. Moorhouse, C.M.G., D.S.O., etc.,  
The Honourable the Secretary, Southern Provinces and Colony, Lieutenant-Colonel F. Jenkins, C.M.G.,  
The Honourable the Assistant Treasurer, C. W. Leese, Esq.,  
The Honourable the Acting Commissioner of Lands, F. E. Knapp, Esq.,  
The Honourable Mr. E. O. Moore,  
The Honourable Mr. A. M. Harvey,  
The Honourable Mr. S. Waring,  
The Honourable Dr. O. Obasa,  
The Honourable the Acting Attorney-General, M. L. Tew, Esq.,  
The Honourable the Assistant Director of Medical Service, Dr. G. B. Norman.

MINUTES.

The Minutes of the Meeting of the Council held on the 9th January, 1922, as circulated to Members, were confirmed.

OATHS.

Lieutenant-Colonel Francis Jenkins, C.M.G., on appointment as the Secretary of the Southern Provinces and Colony, Mr. Alexander Morrison Harvey, on re-appointment as an Unofficial Member, and Dr. George Blake Norman, Assistant Director of Medical Service, on appointment as an Extraordinary Member, subscribed to the Oath of Allegiance and took their seats as Members of the Council.

His Excellency :—

Honourable Members of the Legislative Council :—Before we proceed with the business of the day, I propose, with your leave, to make to you an announcement which, in my judgment, is one of the most important that has hitherto been made in the history of Nigeria. It is realised by all of you, I think, that the scheme of amalgamation which was inaugurated in January, 1914, was, as Sir Frederick Lugard himself, in discussing it with me, described it, largely tentative and experimental; and all of us who are familiar with the distinguished career of Sir Frederick Lugard must have felt what a singular irony of fate attended the last years of his administration. Having been entrusted with, and having been specially selected to undertake the vastly difficult work of amalgamating the Northern with the Southern Provinces of Nigeria—a task the peculiar difficulty of which was enhanced by the great divergence of systems that had up to that time prevailed in the administration of these two groups of Provinces—having, I say, been entrusted with this very important, very vast and very difficult task, he was singularly unfortunate in that the inauguration of his scheme synchronised so nearly with the outbreak of the Great War for, during the five years that followed upon the amalgamation, Sir Frederick Lugard was handicapped in every possible direction, as the immediate result of the outbreak of the world-war. He had to see every Department—instead of being brought up to strength, as would have been the natural course, in order to give the scheme of amalgamation every chance of success—he had to see every Department depleted beyond

Clause 1 was read. On the motion of the Attorney-General, the year "1921" was altered to "1922."

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

Clauses 2 to 7 and the enacting clause were read and passed, so far as they related to the Colony.

Title settled: "An Ordinance to facilitate the Reciprocal Enforcement of Judgments obtained in Nigeria and in the United Kingdom and other parts of His Majesty's Dominions and Territories under His Majesty's Protection."

On the motion of His Honour, seconded by the Attorney-General, the Council resumed.

His Honour:—I move the third reading of the Bill entitled, "An Ordinance to facilitate the Reciprocal Enforcement of Judgments obtained in Nigeria and in the United Kingdom and other parts of His Majesty's Dominions and Territories under His Majesty's Protection," so far as the provisions thereof relate to the Colony.

The Attorney-General seconded.

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

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

Agreed to.

His Honour:—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 Attorney-General seconded.

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

His Honour:—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 reason for the amendment is as stated in the printed copy of the Bill. It is to remove a hardship entailed on holders of an Exclusive Prospecting Licence under the law as it now stands.

The Attorney-General seconded.

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

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

On the motion of His Honour, seconded by the Attorney-General, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

Clause 1 was read. On the motion of the Attorney-General, the year "1921" was altered to "1922."

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

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

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

On the motion of His Honour, seconded by the Attorney-General, the Council resumed.

His Honour:—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 Attorney-General seconded.

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

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 attendance here to-day, and declare the Council adjourned *sine die*.

The Attorney-General seconded.

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

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

Agreed to.

His Honour:—I move the first reading of a Bill entitled, "An Ordinance to amend the Maintenance Orders Ordinance, 1921," so far as the provisions thereof relate to the Colony.

The Attorney-General seconded.

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

His Honour:—I move the second reading of the Bill entitled, "An Ordinance to amend the Maintenance Orders Ordinance, 1921," so far as the provisions thereof relate to the Colony. The objects and reasons are explained, I think, sufficiently clearly in the printed copy of the Bill.

The Attorney-General seconded.

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

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

On the motion of His Honour, seconded by the Attorney-General, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

Clause 1 was read. On the motion of the Attorney-General, the year "1921" was altered to "1922."

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

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

Title settled: "An Ordinance to amend the Maintenance Orders Ordinance, 1921."

On the motion of His Honour, seconded by the Attorney-General, the Council resumed.

His Honour:—I move the third reading of the Bill entitled, "An Ordinance to amend the Maintenance Orders Ordinance, 1921," so far as the provisions thereof relate to the Colony.

The Attorney-General seconded.

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

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

Agreed to.

His Honour:—I move the first reading of a Bill entitled, "An Ordinance to facilitate the Reciprocal Enforcement of Judgments obtained in Nigeria and in the United Kingdom and other parts of His Majesty's Dominions and Territories under His Majesty's Protection," so far as the provisions thereof relate to the Colony.

The Attorney-General seconded.

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

His Honour:—I move the second reading of the Bill entitled, "An Ordinance to facilitate the Reciprocal Enforcement of Judgments obtained in Nigeria and in the United Kingdom and other parts of His Majesty's Dominions and Territories under His Majesty's Protection," so far as the provisions thereof relate to the Colony. The objects and reasons are so fully stated in the printed copy of the Bill that I have nothing further to add.

The Attorney-General seconded.

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

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

On the motion of His Honour, seconded by the Attorney-General, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

His Honour:—I move the second reading of the Bill entitled, "An Ordinance to amend the Former Enemy Aliens (Restriction on Immigration) Ordinance, 1919," so far as the provisions thereof relate to the Colony. The objects and reasons are stated sufficiently clearly, I think, in the printed copy of the Bill.

The Attorney-General seconded.

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

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

On the motion of His Honour, seconded by the Attorney-General, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

Clause 1 was read. On the motion of the Attorney-General, the year "1921" was altered to "1922."

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

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

Title settled: "An Ordinance to amend the Former Enemy Aliens (Restriction on Immigration) Ordinance, 1919."

On the motion of His Honour, seconded by the Attorney-General, the Council resumed.

His Honour:—I move the third reading of the Bill entitled, "An Ordinance to amend the Former Enemy Aliens (Restriction on Immigration) Ordinance, 1919," so far as the provisions thereof relate to the Colony.

The Attorney-General seconded.

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

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

Agreed to.

His Honour:—I move the first reading of a Bill entitled, "An Ordinance to amend the Customs Ordinance, 1916," so far as the provisions thereof relate to the Colony.

The Attorney-General seconded.

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

His Honour:—I move the second reading of the Bill entitled, "An Ordinance to amend the Customs Ordinance, 1916," so far as the provisions thereof relate to the Colony. As it stands at present, the law only requires the attestation of invoices prepared by principals consigning goods to their agents in Nigeria, and it seems an anomaly that large firms whose principals are wellknown and trustworthy should be required to swear to the accuracy of their documents when the invoice of any obscure dealer may be accepted without attestation.

The Attorney-General seconded.

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

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

On the motion of His Honour, seconded by the Attorney-General, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

Clause 1 was read. On the motion of the Attorney-General, the year "1921" was altered to "1922."

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

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

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

On the motion of His Honour, seconded by the Attorney-General, the Council resumed.

His Honour:—I move the third reading of the Bill entitled, "An Ordinance to amend the Customs Ordinance, 1916," so far as the provisions thereof relate to the Colony.



Clause 1 was read. On the motion of the Attorney-General, the year "1921" was altered to "1922."

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

Clauses 2 and 3 and the enacting clause were read and passed, so far as they related to the Colony.

Title settled: "An Ordinance to amend the General Loan and Inscribed Stock Ordinance, 1916."

On the motion of His Honour, seconded by the Attorney-General, the Council resumed.

His Honour:—I move the third reading of the Bill entitled, "An Ordinance to amend the General Loan and Inscribed Stock Ordinance, 1916," so far as the provisions thereof relate to the Colony.

The Attorney-General seconded.

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

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

Agreed to.

His Honour:—I move the second reading of the Bill entitled, "An Ordinance further to amend the Criminal Code Ordinance, 1916," so far as the provisions thereof relate to the Colony. There are three amendments proposed in this Bill. The first is merely to correct certain technical defects in section 18(8) of the Criminal Code—it gives no increased power. The second amendment to section 18(14) of the Code relates to the avoidance of the use of the term "recognised chief," in connexion with which this Council has already passed an Ordinance this afternoon, namely, the Interpretation (Amendment) Ordinance, 1922. The third is to legalize the use of a totalizer at race meetings subject to proper supervision, and does not, I think, require any further explanation.

The Attorney-General seconded.

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

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

On the motion of His Honour, seconded by the Attorney-General, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

Clause 1 was read. On the motion of the Attorney-General, the word "Further" was deleted and the year "1921" altered to "1922."

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

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

Title—On the motion of the Attorney-General, the word "further" was deleted.

Title settled as amended: "An Ordinance to amend the Criminal Code Ordinance, 1916."

On the motion of His Honour, seconded by the Attorney-General, the Council resumed.

His Honour:—I move the third reading of the Bill entitled, "An Ordinance to amend the Criminal Code Ordinance, 1916," so far as the provisions thereof relate to the Colony.

The Attorney-General seconded.

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

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

Agreed to.

His Honour:—I move the first reading of a Bill entitled, "An Ordinance to amend the Former Enemy Aliens (Restriction on Immigration) Ordinance, 1919," so far as the provisions thereof relate to the Colony.

The Attorney-General seconded.

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

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

Title settled: "An Ordinance to amend the Interpretation Ordinance, 1914."

On the motion of His Honour, seconded by the Attorney-General, the Council resumed.

His Honour:—I move the third reading of the Bill entitled, "An Ordinance to amend the Interpretation Ordinance, 1914," so far as the provisions thereof relate to the Colony.

The Attorney-General seconded.

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

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

Agreed to.

His Honour:—I move the second reading of the Bill entitled, "An Ordinance to amend the Prisons Ordinance, 1916," so far as the provisions thereof relate to the Colony. The reason for the amendment is as stated. It is not considered convenient or desirable that the Officer in medical charge of a prison should also have the disciplinary powers of a visitor, and this short amending Ordinance has been drafted to give effect to that.

The Attorney-General seconded.

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

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

On the motion of His Honour, seconded by the Attorney-General, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

Clause 1 was read. On the motion of the Attorney-General, the year "1921" was altered to "1922."

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

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

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

On the motion of His Honour, seconded by the Attorney-General, the Council resumed.

His Honour:—I move the third reading of the Bill entitled, "An Ordinance to amend the Prisons Ordinance, 1916," so far as the provisions thereof relate to the Colony.

The Attorney-General seconded.

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

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

Agreed to.

His Honour:—I move the second reading of the Bill entitled, "An Ordinance to amend the General Loan and Inscribed Stock Ordinance, 1916," so far as the provisions thereof relate to the Colony. Hitherto a sum has been named in sections 13 and 27 of the principal Ordinance. The sum was varied by an amending Ordinance No. 23 of 1919. The object of the present amendment is to allow greater latitude in determining the annual sum to be appropriated to the Sinking Fund. (In effect, it leaves it to the prospectus.) It has been found unnecessary that a fixed sum should be prescribed, as very often better terms could be obtained at home and it is inconvenient that, on each occasion, reference should have to be made to this Colony and a fresh Ordinance passed, varying the sum, while by the amendment proposed the sum could be varied without such reference.

The Attorney-General seconded.

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

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

On the motion of His Honour, seconded by the Attorney-General, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

"2. Whether Government intends taking any action in the matter?"

His Honour replied as follows:—

The reply to the first question is in the affirmative, and to the second in the negative.

As Honourable Members are aware, it is not in accordance with the well recognised rules of political controversy to make personal attacks against individual Government servants who from their position are precluded from replying. So long as the official concerned remains in the Government Service and enjoys the confidence of the Government, such attacks are in reality directed against the Government. I am glad of this opportunity of stating publicly that the Resident of the Colony has always enjoyed, and continues to enjoy, the full confidence of Government.

#### MOTIONS.

His Honour:—I move the following motion standing on the Agenda:—

"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, Gentlemen, is to exempt from Customs duty any goods imported on behalf of Native Administrations and the Lagos Town Council. Hitherto it has been necessary to refer, in each case, to the Governor in Council, but if Honourable Members are prepared to accept this resolution, that formality will be done away with and the clearing of such goods through the Customs will be expedited.

The Assistant Treasurer seconded.

His Excellency:—Does any Honourable Member desire to address the Council on the subject of this motion?

Motion put and carried. Order approved accordingly.

#### BILLS.

His Excellency:—There are a number of Bills that are on the Agenda to-day which, to the best of my belief, are of a non-contentious character. It is proposed, if Members of the Council approve, that we should suspend the Standing Rules and Orders in so far as is necessary to enable the Bills in question to be taken through all their stages at this meeting. If any Honourable Member present desires that any particular Bill should be read a first time only, effect will, of course, be given to his desire, but otherwise, if it be convenient to Honourable Members, it is proposed to take the Bills through all their stages to-day so as to obviate the necessity of a further meeting in connexion with them. In the absence of any objection to the course proposed, perhaps His Honour would move the suspension of the Standing Rules and Orders to enable the proposal to be carried out.

His Honour:—I move that the Standing Rules and Orders of the Council be suspended to the extent necessary to deal with the various Bills appearing on the Agenda as non-contentious ones.

The Assistant Treasurer seconded.

His Excellency:—Does any Honourable Member desire to make any remarks as to the course proposed?

Motion put and carried. Standing Rules and Orders suspended accordingly.

His Honour:—I move the second reading of the Bill entitled "An Ordinance to amend the Interpretation Ordinance, 1914," so far as the provisions thereof relate to the Colony. I think the objects and reasons are sufficiently clearly stated on the printed copy of the Bill and require no enlargement from me.

The Attorney-General seconded.

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

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

On the motion of His Honour, seconded by the Attorney-General, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

Clause 1 was read. On the motion of the Attorney-General, the year "1921" was altered to "1922."

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

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 MONDAY, THE 9th JANUARY, 1922.

PRESENT:

- His Excellency the Governor and Commander-in-Chief, Sir Hugh Clifford, G.C.M.G.,  
 His Honour the Administrator, Lieutenant-Colonel H. C. Moorhouse, C.M.G., D.S.O., etc.,  
 The Honourable the Acting Principal Medical Officer, Southern Provinces and Colony, Dr. G. Hungerford,  
 The Honourable the Assistant Treasurer, C. W. Leese, Esq.,  
 The Honourable the Acting Commissioner of Lands, F. E. Knapp, Esq.,  
 The Honourable Mr. E. O. Moore,  
 The Honourable Dr. O. Obasa,  
 The Honourable the Attorney-General, D. Kingdon, Esq. (Extraordinary Member).

ABSENT:

- The Honourable the Secretary, Southern Provinces and Colony, Lieutenant-Colonel F. Jenkins, C.M.G.,  
 The Honourable the Legal Adviser, Southern Provinces and Colony,  
 The Honourable Mr. A. M. Harvey,  
 The Honourable Mr. S. Waring.

MINUTES.

The Minutes of the Meeting of the Council held on the 27th September, 1921, as circulated to Members, were confirmed.

OATHS.

Dr. Geoffrey Hungerford, on appointment as Acting Principal Medical Officer of the Southern Provinces and Colony, subscribed to the Oath of Allegiance and took his seat as a Member of the Council.

PAPERS.

His Honour laid the following papers on the table:—

- No. 1 of 1922.—Annual Report on the Police Department for the period 1st January, 1920 to 31st March, 1921.  
 No. 2 of 1922.—Annual Report on the Public Works Department for the period 1st January, 1920 to 31st March, 1921.  
 No. 3 of 1922.—Annual Report on the Nigerian Public Officers' Guarantee Fund for the year 1920.  
 No. 4 of 1922.—Annual Report on the Agricultural Department, Southern Provinces, for the period 1st January, 1920 to 31st March, 1921.  
 No. 5 of 1922.—Annual Report on the Marine Department for the year 1920, and period 1st January to 31st March, 1921.  
 No. 6 of 1922.—Annual Report on the Lagos Town Council for the year 1920.  
 No. 7 of 1922.—Annual Report on the Forest Administration of Nigeria for the year 1920, and period 1st January to 31st March, 1921.

QUESTIONS.

Pursuant to notice, the Honourable Dr. O. Obasa asked the following questions:—

- "1. Whether the attention of the Government has been called to certain remarks in the local Press, said to have been made by Mr. Shyngle on the occasion of an interview granted by His Honour the Lieutenant-Governor on the 17th October to a deputation headed by Mr. Shyngle, and also to other adverse remarks in the said Press, touching the Resident of the Colony?"

Since the circulation of prints of this Bill to Honourable Members, a further amendment to the Customs Ordinance has been prepared, the inclusion of which in the Bill now before us will be duly moved when the Council goes into Committee to consider the Bill. Typed copies of this amendment have been furnished to Honourable Members prior to the sitting of the Council, and they may, no doubt, wish to have some explanation thereof. Section 145 of the Customs Ordinance, 1916, as it at present stands, provides that invoices shall be attested by a statement on oath, which is not required in other cases where a statement is made under the Ordinance. There is no particular reason why an exception should be made as regards invoices, and, accordingly, it is proposed to alter the provision in question so that the attestation of invoices can be made by declaration instead of by oath. This is much more satisfactory and much easier in practice. I may add that the prescribed form of attestation has already been altered to this effect by Regulation No. 15 of 1922.

The Deputy Director of Medical and Sanitary Services seconded.

The President :—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.

On the motion of the Acting Comptroller of Customs, seconded by the Deputy Director of Medical and Sanitary Services, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

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

On the motion of the Acting Comptroller of Customs, the following new clause was added and passed, so far as it related to the Colony :—

" Amendment  
" of section 145  
" of No. 31  
" of 1916." " 3. Section 145 of the said Ordinance is hereby amended by the  
" substitution of the word ' declaration ' for the word ' oath ' in the  
" tenth and fifteenth lines of the said section."

The enacting clause was read and passed, so far as it related to the Colony.

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

On the motion of the Acting Comptroller of Customs, seconded by the Deputy Director of Medical and Sanitary Services, the Council resumed.

The Acting Comptroller of Customs :—I move the third reading of the Bill entitled, " An Ordinance to amend the Customs Ordinance, 1916," so far as the provisions thereof relate to the Colony.

The Deputy Director of Medical and Sanitary Services seconded.

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

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

Agreed to.

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

The second amendment is one connected with an "Hotel Liquor Licence," Honourable Members who have studied the Bill will see that that licence, as provided in paragraph (6) of section 24 of the principal Ordinance, authorises the sale of liquor to

"(b) persons taking meals in the hotel to be consumed therein with the meals during the hours in which the sale of liquor is allowed under a tavern licence."

If Honourable Members will refer also to section 25 (1) of the Liquor Ordinance, they will find that the hours prescribed in this connexion are between 12.30 p.m. and 2 p.m., and 5 p.m. and 8 p.m. on Christmas Day, Good Friday, or Sunday, and after 6 a.m. and before 10.30 p.m. on any other day. The result of this is that, on Christmas Day, Good Friday, or Sunday, no liquor can be sold to persons taking meals in an hotel after 8 p.m. This is obviously very inconvenient to the public, because the majority of the people who take meals at an hotel do not commence to dine until 8 p.m. It is proposed, therefore, to extend the hours as indicated in clause 2 (ii) of this Bill.

The third amendment is merely to give the Governor in Council wider powers of altering, by Regulation, the hours prescribed in the Liquor Ordinance for the sale of liquor. At present, under paragraph (10) of section 64 of that Ordinance, the powers of the Governor in Council in this respect are restricted to altering the hours specified in section 25 (1) as affecting certain of the Licences only. There seems to be no reason why, for convenience' sake, the Governor in Council should not have power to alter any of the hours of sale of liquor under all Licences granted under the Liquor Ordinance, and this amendment is accordingly introduced to give such power.

The Bill is introduced chiefly for the convenience of the public.

The Deputy Director of Medical and Sanitary Services seconded.

The President :—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.

On the motion of the Acting Attorney-General, seconded by the Deputy Director of Medical and Sanitary Services, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

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

Title settled : "An Ordinance to amend the Liquor Ordinance, 1917."

On the motion of the Acting Attorney-General, seconded by the Deputy Director of Medical and Sanitary Services, the Council resumed.

The Acting Attorney-General :—I move the third reading of the Bill entitled, "An Ordinance to amend the Liquor Ordinance, 1917," so far as the provisions thereof relate to the Colony.

The Deputy Director of Medical and Sanitary Services seconded.

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

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

Agreed to.

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

The Deputy Director of Medical and Sanitary Services seconded.

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

On the motion of the Acting Comptroller of Customs, seconded by the Deputy Director of Medical and Sanitary Services, the Standing Rules and Orders of the Council were suspended to the extent necessary to deal with the Bill as an urgent one.

The Acting Comptroller of Customs :—I move the second reading of the Bill entitled, "An Ordinance to amend the Customs Ordinance, 1916," so far as the provisions thereof relate to the Colony. Honourable Members may wish to have some explanation in connexion with the amendment introduced by this Bill. For a number of years the purchase price of imported goods has been taken as the basis for assessing *ad valorem* duty on such goods. About this time last year, however, at the request of certain Chambers of Commerce in England, the purchase price, as the basis for assessing duty, was altered to the fair market value of such goods at the time and place of their direct exportation to Nigeria. That method did not appear to be satisfactory, and, again at the request of the Chambers of Commerce, it is now proposed to return to the former system of assessing duty on the purchase price, that is the price paid or to be paid for the goods by the owner thereof, less cash and trade discounts and incidental charges such as freight, handling, etc.

The Acting Attorney-General:—I move the third reading of the Bill entitled, "An Ordinance to further and protect the activities and interests of the Boy Scouts Association in Nigeria," so far as the provisions thereof relate to the Colony.

The Assistant Treasurer seconded.

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

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

Agreed to.

The Acting Comptroller of Customs:—I move the first reading of a Bill entitled, "An Ordinance to repeal the Palm Kernels (Export Duty) (No. 2) Ordinance, 1919," so far as the provisions thereof relate to the Colony.

The Acting Attorney-General seconded.

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

On the motion of the Acting Comptroller of Customs, seconded by the Acting Attorney-General, the Standing Rules and Orders of the Council were suspended to the extent necessary to deal with the Bill as an urgent one.

The Acting Comptroller of Customs:—I move the second reading of the Bill, entitled "An Ordinance to repeal the Palm Kernels (Export Duty) (No. 2) Ordinance, 1919," so far as the provisions thereof relate to the Colony.

The Acting Attorney-General seconded.

The President:—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.

On the motion of the Acting Comptroller of Customs, seconded by the Acting Attorney-General, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

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

Title settled: "An Ordinance to repeal the Palm Kernels (Export Duty) (No. 2) Ordinance, 1919."

On the motion of the Acting Comptroller of Customs, seconded by the Acting Attorney-General, the Council resumed.

The Acting Comptroller of Customs:—I move the third reading of the Bill entitled, "An Ordinance to repeal the Palm Kernels (Export Duty) (No. 2) Ordinance, 1919," so far as the provisions thereof relate to the Colony.

The Acting Attorney-General seconded.

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

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

Agreed to.

The Acting Attorney-General:—I move the first reading of a Bill entitled, "An Ordinance to amend the Liquor Ordinance, 1917," so far as the provisions thereof relate to the Colony.

The Deputy Director of Medical and Sanitary Services seconded.

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

On the motion of the Acting Attorney-General, seconded by the Deputy Director of Medical and Sanitary Services, the Standing Rules and Orders of the Council were suspended to the extent necessary to deal with the Bill as an urgent one.

The Acting Attorney-General:—I move the second reading of the Bill entitled, "An Ordinance to amend the Liquor Ordinance, 1917," so far as the provisions thereof relate to the Colony. There are three separate amendments introduced by this Bill. The first is to reduce the quantities in which liquor may be sold under a "Wine and Beer Off Licence." The fee charged for this licence is very small—it is only £1 for a whole year. Under the principal Ordinance, as it at present stands, the holder of this licence can sell wine and beer by retail, that is, "in quantities not exceeding *two gallons* to any one person during the space of twenty-four hours." It is considered that he should only be able to sell not more than *two bottles* to any one person during the space of twenty-four hours. If he wishes to sell liquor in larger quantities, he will have to take out a "Store Liquor Licence."

" . . . . . every public officer holding a pensionable office who  
 " has been in the service of Nigeria in a civil capacity for ten years  
 " or upwards may be granted on his retirement . . . . . a  
 " pension . . . . . together with a gratuity . . . . . "

was affected by section 7 of the Ordinance in which it was provided that

" No pension, gratuity or other allowance shall be granted to any public  
 " officer who has not attained the age of fifty-five years ".

In the reply which the Acting Attorney-General made to the Honourable Member he explained that an officer who had served for, at least, ten years in a pensionable office was qualified for a pension with a gratuity but that he might only be granted this on retirement at the age of fifty-five years, unless he retired before then in any of the circumstances specified in section 7 of the Ordinance. If the officer had not completed the minimum period of ten years' service qualifying for a pension, he might be granted a gratuity under Regulation 2 in the Schedule under discussion.

The First Schedule was passed, so far as it related to the Colony.

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

Title settled: "An Ordinance for regulating pensions, gratuities and other allowances to be granted to public officers in respect of offices held by them in His Majesty's Service in Nigeria."

On the motion of the Acting Attorney-General, seconded by the Assistant Treasurer, the Council resumed.

The Acting Attorney-General:—I move the third reading of the Bill entitled, "An Ordinance for regulating pensions, gratuities and other allowances to be granted to public officers in respect of offices held by them in His Majesty's Service in Nigeria," so far as the provisions thereof relate to the Colony.

The Assistant Treasurer seconded.

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

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

Agreed to.

The Acting Attorney-General:—I move the first reading of a Bill entitled, "An Ordinance to further and protect the activities and interests of the Boy Scouts Association in Nigeria," so far as the provisions thereof relate to the Colony.

The Assistant Treasurer seconded.

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

On the Motion of the Acting Attorney-General, seconded by the Assistant Treasurer, the Standing Rules and Orders of the Council were suspended to the extent necessary to deal with the Bill as a non-contentious one.

The Acting Attorney-General:—I move the second reading of the Bill entitled, "An Ordinance to further and protect the activities and interests of the Boy Scouts Association in Nigeria," so far as the provisions thereof relate to the Colony. The object of this Ordinance is merely to put the Boy Scouts Movement in Nigeria on a proper footing, as has been done in the Gold Coast. Sir Robert Baden Powell, the Chief Scout, was anxious that every assistance should be given to the Boy Scouts Movement in Nigeria and that an Ordinance should be introduced to prevent any person, who is not in any way connected with the Association, from holding himself out as a Boy Scout.

The Assistant Treasurer seconded.

The President:—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.

On the motion of the Acting Attorney-General, seconded by the Assistant Treasurer, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

Clauses 1 to 6, the preamble, and the enacting clause, were read and passed, so far as they related to the Colony.

Title settled: "An Ordinance to further and protect the activities and interests of the Boy Scouts Association in Nigeria."

On the motion of the Acting Attorney-General, seconded by the Assistant Treasurer, the Council resumed.



On the motion of the Acting Attorney-General, seconded by the Assistant Treasurer, the Standing Rules and Orders of the Council were suspended to the extent necessary to deal with the Bill as a non-contentious one.

The Acting Attorney-General:—I move the second reading of the Bill entitled, "An Ordinance to amend the Change of Titles Ordinance, 1920," so far as the provisions thereof relate to the Colony. It is unnecessary for me to say anything with regard to this Bill, as it is merely the result of the reorganisation of the Medical and Sanitary Departments.

The Assistant Treasurer seconded.

The President:—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.

On the motion of the Acting Attorney-General, seconded by the Assistant Treasurer, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

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

Title settled: "An Ordinance to amend the Change of Titles Ordinance, 1920."

On the motion of the Acting Attorney-General, seconded by the Assistant Treasurer, the Council resumed.

The Acting Attorney-General:—I move the third reading of the Bill entitled, "An Ordinance to amend the Change of Titles Ordinance, 1920," so far as the provisions thereof relate to the Colony.

The Assistant Treasurer seconded.

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

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

Agreed to.

The Acting Attorney-General:—I move the first reading of a Bill entitled, "An Ordinance for regulating pensions, gratuities and other allowances to be granted to public officers in respect of offices held by them in His Majesty's Service in Nigeria," so far as the provisions thereof relate to the Colony.

The Assistant Treasurer seconded.

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

On the motion of the Acting Attorney-General, seconded by the Assistant Treasurer, the Standing Rules and Orders of the Council were suspended to the extent necessary to deal with the Bill as an urgent one.

The Acting Attorney-General:—I move the second reading of the Bill entitled, "An Ordinance for regulating pensions, gratuities and other allowances to be granted to public officers in respect of offices held by them in His Majesty's Service in Nigeria," so far as the provisions thereof relate to the Colony. As Honourable Members will see from the "Objects and Reasons," this Ordinance applies to Non-European Officers only, and is very nearly in the same form as the Ordinance which applies to European Officers. There are certain provisions introduced in this Ordinance which are not contained in the existing Ordinance, and the most important of these are explained in the Secretary of State's Despatch published in the *Gazette* of the 13th April, 1922, of which copies are now in the hands of Honourable Members.

The Assistant Treasurer seconded.

The President:—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.

On the motion of the Acting Attorney-General, seconded by the Assistant Treasurer, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

Clauses 1 to 10 were read and passed, so far as they related to the Colony.

Clause 11 was read. On the motion of the Acting Attorney-General, the word "the" was inserted between the words "of" and "cost" in the last line but one.

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

Clauses 12 to 18 were read and passed, so far as they related to the Colony.

The First Schedule was read. The Honourable Dr. Obasa enquired how paragraph 1 of the regulations contained in this Schedule, which read:

consideration of Government, but at the moment, so far as this motion goes, I can only say that I cannot favour a motion which calls upon Government to interfere actively in a religious dispute.

The Honourable Dr. Obasa :—May I speak again, Sir ?

The President :—Yes, certainly.

The Honourable Dr. Obasa :—I am glad to hear what has fallen from the lips of Your Honour. If the trend of my remarks has taken the appearance of calling upon Government to interfere in a religious dispute, I am sorry that I have not expressed myself as well as I should have done in the matter, but I only went into the history of the Mohammedan dispute to show that Government itself had felt satisfied that Lemomu Braimah is the Head and sole authority of the Mosque and taken a really strong stand when it declared that it would uphold that authority and punish with firm hand any person who opposed it. Well, I take it that Government, at the time such declaration was made, must have regarded the matter, not from a religious standpoint, but from a political standpoint as affecting the Colony, and I consider, therefore, that the authority in question, even in the abstract, should be maintained by Government by all legal means.

Now, Your Honour has said that I have not outlined any constructive policy. No, I have not; but I say, Sir, that, if Government were to make it impossible for worshippers in the Mosque to cause disputes likely to lead to a breach of the peace, as was the case at the service last Friday, and thus to prevent an actual breach of the peace, such action on the part of Government would be a constructive policy, because I am of the opinion that the first aim of Government—the first duty of Government—is, at any rate should be, not the restoration of order, but the prevention of disorder. I think, therefore, that I am right in regard to the step that I have taken on this occasion, for of what use would it be if Government waited until the whole place was destroyed before it came to restore what was preventable at the start? I certainly consider that the strength of any Government consists in its ability and desire to prevent a breach of the peace and when that is maintained and the people see that Government will severely punish a breach of the peace, they will all, I am sure, submit to the dictates of Government. The idea prevailing in the town at present is that Government is not even prepared to protect the people and that it is only waiting for something really disastrous to happen before it takes any action to do so. I say that that is a wrong reflection upon a Government like ours, because we know that our Government is strong enough to maintain and uphold its authority in every respect, and I think that, if Government were to so act as to convince the people of its sincerity in its actions and pronouncements, and thereby cause them to admit that its declarations are made after mature consideration and given without fear or favour, then Government will have moved more than 99% towards putting an end to this unrest and restoring peace in the town. We are a Yoruba nation and appreciate and value a firm hand; only let that firm hand be guided by justice. If there is justice and firmness, we appreciate it, for it makes us feel that we are under a Government which can protect us when protection is needed, and can avenge our wrongs when they are committed against us.

The President :—I have little to add to what I have said before except that I can assure the Honourable Member that the police are fully alive to what is going on and are available to prevent disorder and to restore order, if disorder should occur. As I have already said, I have not yet received the Police report on the alleged disturbance in the Mosque last Friday, but I might add that such incidents, when viewed in the light of the police reports, often resolve themselves into a comparatively small matter. I have heard stories as to occurrences in the Mosque which have proved to have been very considerably exaggerated. I can assure the Honourable Member that the police are watching events and are available to prevent disorder.

The statements which the Honourable Member has made as to the conduct of the police will, of course, be investigated.

Does the Honourable Member wish to press his motion to a division?

The Honourable Dr. Obasa :—No, Your Honour, as I am satisfied with the assurance that Your Honour has given in the matter.

The motion was accordingly not put to a vote.

#### BILLS.

The President :—Action on the Loan Bill still awaits the receipt of a communication from the Secretary of State.

The Acting Attorney-General :—I move the first reading of a Bill entitled, "An Ordinance to amend the Change of Titles Ordinance, 1920," so far as the provisions thereof relate to the Colony.

The Assistant Treasurer seconded.

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

authorities, and immediately constables and firemen were brought on the scene. Several arrests were made. I desire to point out this significant fact, that the arrests were made at the instance of one man only, and that man was Adam Animashaun, the ring-leader of the Jamat party, and we have it on the authority of a gentleman of repute in the town—a Medical Practitioner—that, when those arrested were being taken to the Police Station, they were subjected to very brutal treatment by the police who had arrested them. When these men—23 in number—were taken to the Police Station, 18 of them were dismissed almost at once, and the remaining 5 were detained until the following morning on the ground that some weapons were found on them as alleged by the police. What happened to them on the following morning I am not in a position to say. I hear, however, on report—I have not been able to verify it—that they were brought up before the Magistrate and dismissed with a caution and bound over to keep the peace, although the people they had assaulted or maltreated, for which action such restrictions were imposed on them, were not produced at the trial.

Now, Sir, I desire to lay stress upon the fact that to us outsiders, who are not very well up in the intricacies of Government, it seems very inexplicable that the Government, having made a definite declaration on an important subject, should be unable to support that declaration by any action whatever. I am sure that, if the Government did not contemplate that it had the means of punishing anybody who opposed the authority in respect of which it had itself made a distinct declaration, it would never have made it, and, as I say, having made that declaration, it seems unintelligible that the Government should sit down, apparently unconcerned, and look on while it is being put to naught by any set of people in the town. It is an open secret and one which I should not even call a secret, that the whole tenor of the actions of the Jamat party is to bring about such confusion in the Mosque as will eventually force the hands of Government to close it altogether, in which case the Jamat party will, of course, repair at once to their own Mosque—Shitta's Mosque, while the Lemomu and his party will be left to drift about or to make such makeshifts as they can.

That a continuance of this unrest in the town is having a baneful effect upon us locally is without question. Some of us whose business takes them about in the town and who are naturally, therefore, anxious to see peace and good order preserved in the town, are sometimes openly insulted in the streets in language often obscene, even though they have no hands whatever in the Mohammedan dispute. Your Honour will see that a continuance of such things cannot make for peace and good order in the town. Nor is it difficult to realise what baneful effect it will also have on the peoples of the hinterland, in that, when they see that these things are tolerated here, it will cause them to think that they can defy any authority and at the same time be left to have their own sweet will.

I am not here to pronounce any judgment upon the actions of Government. I am only saying that they are unintelligible to us, and I consider that the time has come,—if the Government is still of the opinion that the Lemomu is the Head of the Mosque and his authority ought to be upheld, and adheres to its own declaration to that effect,—the time has come when, in the interest of peace and good order in the town and of the authority of Government itself, the Government should make that declaration felt and respected.

I think, Your Honour, that I have said enough to make this Honourable Council feel that a continuance of unrest of this kind in the town is not likely to make for the peace and good order of society—it is not likely to make for progress but rather for retrogression—and might ultimately cast a slur upon the good name of Nigeria as a loyal portion of the British Empire.

The Honourable Mr. Moore :—I beg to second the motion.

The President :—Does any Honourable Member wish to address the Council on the subject of this motion ?

Then, Gentlemen, I can only say that the Honourable Member who has moved the motion standing in his name has recounted the history of a dispute of a religious character—the past and the recent history. I am not, however, in a position to endorse the Honourable Member's version of the recent history, for I have not yet seen the Police report of what did occur last Friday, but I can say that it has been, and is, so far as I am aware, the settled policy of Government to refrain, so far as possible, from interfering in a religious dispute of any character whatever. The policy of Government is not to interfere in the internal affairs of any religious body except there should be a breach of the peace, or there should arise a situation that makes a breach of the peace likely, when, of course, Government will step in to restore order, or to prevent disorder.

I would point out that, though the Honourable Member has brought forward a motion calling upon Government "to take such action as will be calculated to put an end to this unrest and restore peace in the town," he has not expressed any definite opinion, or outlined any constructive policy, as to the lines which he thinks that Government interference should follow. It is a very difficult question and one that has been occupying the mind of Government for a very long time. If, of course, any constructive recommendation can be made, it will certainly be submitted for the

The President:—Does any Honourable Member wish to address the Council on the subject of this motion?

Motion put and carried. Order approved accordingly.

The Honourable Dr. Obasa:—May it please Your Honour! I move the following motion standing in my name:—

“That, in the interest of order and peaceful pursuit of the daily avocation of the people of Lagos, and in view of the baneful effect which a continuance of the Mohammedan unrest is having locally and is likely to have on the peoples of the Hinterland, this honourable Council earnestly calls on Government to take such action as will be calculated to put an end to this unrest, and restore peace in the town.”

Sir, the question of the Mohammedan unrest is a long standing one, so far as the Government is concerned. There are many who are acquainted, more or less, with the inner workings of this unrest, which have caused it to last up to the present time; but, without going into many details, I would like to point out a few outstanding incidents in the political history of this unrest which are for the public to note and to take cognisance of and perhaps, from those incidents, to form an opinion. Those incidents, in my opinion, form the landmarks in the political history of this unrest. Early in the unrest we learnt that there was some Mohammedan trouble—some said that it was religious and others that it was political—and the Government, being satisfied that the continuance of the unrest was likely to result in serious disturbance in the town, invited the contending parties to a conference, and, as a result of that conference, an Alkali was sent for from the Northern Provinces to arbitrate between them. It was understood that the Government, before taking such a step, obtained the consent of both parties that they would agree to and abide by the decision of the Alkali. The Alkali came down to Lagos and went into the trouble that had arisen between the two parties concerned, and made a pronouncement. It is evident that the Government must have been satisfied with the justice of that pronouncement, for, as an outcome of it, Sir Frederick Lugard declared that the Government considered Lemomu Braimah as the Head and sole authority of the Central Mosque, and that any opposition to that authority would be severely punished. Sir Frederick Lugard left this Colony finally, and the reins of Government were assumed by the present Governor, Sir Hugh Clifford. Evidently the present Governor must have gone into the matter very carefully, for we know that, in due course of time, he himself also made a declaration similar to that made by his immediate predecessor and in almost identical language. This unrest was continued by a series of litigations in Court, all of which had almost one unbroken result, and that was to establish Lemomu Braimah in his position as the Head and sole authority of the Mosque.

Things went on in this way up to within recent months, when the party that were considered as “seceders” because they had separated themselves from the Central Mosque, and established themselves in their own Mosque (Shitta’s), approached His Honour the Lieutenant Governor (Col. Moorhouse) and earnestly solicited a settlement of the long standing dispute in order that a reconciliation might be effected to enable them to return to the Central Mosque and worship there, as they had been doing before. I understand that at the settlement the condition upon which the Jamat party (as they are called) could be readmitted to the Mosque was definitely agreed upon, and that was the maintenance of what the Government had already satisfied itself and made a declaration upon, namely, the fact that Lemomu Braimah is the Head of the Central Mosque and the sole authority therein.

Now, we have it on report that, ever since the admission or readmission of the malcontents—I think I may so call them—to the Mosque, there has been a systematic attempt on their part to disregard the obligation that they themselves had entered into, and to set at naught the authority which they, as a condition precedent to their readmission to the Mosque, had agreed to acknowledge. Things went on in that state until it culminated on the 14th instant in what, but for Providence, might have had very serious consequences, not only to those worshipping in the Mosque that morning, but to peaceful citizens in the town unconnected with the Mohammedan dispute. But what happened on the date mentioned? The report was that when the Lemomu entered the Mosque that morning he found that certain collections were being taken which he had prohibited, at any rate for the time being, in the interest of good order in the Mosque, and he, of course, remonstrated with the collectors for their continuance of such collection. I may here remark that I have it on good authority that the suspension of the taking of collections in the Mosque was first suggested by the Jamat party at a meeting before the present Acting Lieutenant Governor on the ground that it was leading to trouble in the Mosque, and the Lemomu acquiesced in that suggestion because peace and good order were what he evidently desired. But we are told that one of the men who were taking the collections, in replying to the question by the Lemomu in this connexion, addressed him in insolent language, and was reprimanded by an elderly man for the disrespect thus shown to the Lemomu. Immediately another member of the Jamat party insulted that elderly man, and the latter’s grand-son remonstrated with the former who was insulting his grand-father, with the result that he received a blow on his face as his reward. Things went on in that way until great confusion arose in the Mosque. This led to a report being made to the Police

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 19th JULY, 1922.

## PRESENT :

- The Honourable the Secretary, Southern Provinces and Colony, Lieutenant-Colonel F. Jenkins, C.M.G.,  
 The Honourable the Assistant Treasurer, A. H. Hodges, Esq.,  
 The Honourable Mr. E. O. Moore,  
 The Honourable Dr. O. Obasa,  
 The Honourable Mr. W. A. E. Evans,  
 The Honourable Mr. F. B. Mulford,  
 The Honourable the Acting Attorney-General, M. L. Tow, Esq.,  
 The Honourable the Acting Comptroller of Customs, F. A. Clinch, Esq.,  
 The Honourable the Deputy Director of Medical and Sanitary Services, Dr. H. B. S. Montgomery.

## ABSENT :

- His Excellency the Governor and Commander-in-Chief, Sir Hugh Clifford, G.C.M.G.,  
 His Honour the Acting Administrator, R. A. Roberts, Esq.,  
 The Honourable the Acting Commissioner of Lands, Captain W. J. Fitzgerald, M.C.

The Secretary, Southern Provinces and Colony :—I am very sorry that neither His Excellency the Governor, nor His Honour the Acting Administrator, is able to be present here to-day to preside at this meeting, and, in their absence, the duty devolves upon me.

## MINUTES.

The Minutes of the Meeting of the Council held on the 28th April, 1922, as circulated to Members, were confirmed.

## OATHS.

Mr. Frederick Baron Mulford, on provisional appointment as an Unofficial Member during the absence on leave of the Honourable Mr. A. M. Harvey, and Mr. Frederick Arnold Clinch, Acting Comptroller of Customs, on appointment as an Extraordinary Member, subscribed to the Oath of Allegiance and took their seats as Members of the Council.

## PAPERS.

The Acting Attorney-General laid the following papers on the table :—

- No. 14 of 1922.—Annual Reports by the Police Magistrates for the year 1921.  
 No. 15 of 1922.—Annual Report on the Posts and Telegraphs Department and Post Office Savings Bank for the year 1921.  
 No. 16 of 1922.—Annual Report on the Printing Department for the year 1921.  
 No. 17 of 1922.—Annual Report on the Police Department, Colony and Southern Provinces, for the year 1921.

## MOTIONS.

The Acting Comptroller of Customs :—I move the following motion standing on the Agenda :—

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

The Acting Attorney-General seconded.

object of Clause 3 is merely to enable a member of the Provincial Court to summon assessors. At present, as section 141 of the Principal Ordinance stands, the only officer responsible for summoning assessors is the Sheriff, and that is obviously inconvenient in the case of a Provincial Court.

The Secretary, Southern Provinces and Colony, seconded.

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

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

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

Clauses 1 to 3 and the enacting clause were read and passed, so far as they related to the Colony.

Title settled: "An Ordinance to amend the Criminal Procedure Ordinance, 1914."

On the motion of the Acting Attorney-General, seconded by the Secretary, Southern Provinces and Colony, the Council resumed.

The Acting Attorney-General:—I move the third reading of the Bill entitled, "An Ordinance to amend the Criminal Procedure Ordinance, 1914," so far as the provisions thereof relate to the Colony.

The Secretary, Southern Provinces and Colony, seconded.

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

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

Agreed to.

The Secretary, Southern Provinces and Colony:—I have to announce that it is not proposed to proceed with the last Bill appearing on the Agenda, namely the Loan Ordinance, at this meeting of the Council.

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

Counsel raised that objection on his own initiative—he had received no instructions from this Government to do so. The Nigerian Government had no intention whatever of shutting out an appeal. This Bill is, therefore, introduced so as to make it quite clear in future that the provisions of the section in question do not preclude the ordinary rights of appeal from decisions of the Supreme Court.

The Assistant Treasurer seconded.

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

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

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

Clause 1 was read and passed, so far as it related to the Colony.

Clause 2 was read. The Acting Attorney-General expressed the opinion that the wording of the proposed amendment, as it stood, did not make the position quite clear since there was the possibility of some doubt being entertained as to whether "Appeal Court" included the Privy Council, or not. In order, therefore, that any doubt in the matter should be removed, he moved that the words "Appeal Court" be deleted and the words "Full Court or Privy Council" be substituted therefor. The Acting Attorney-General added that an Honourable Member had, prior to this meeting, spoken to him about the point now raised, and he had informed him that he would move the amendment in Committee.

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

The enacting clause was read and passed, so far as it related to the Colony.

Title settled: "An Ordinance to amend the Public Lands Acquisition Ordinance, 1917."

On the motion of the Secretary, Southern Provinces and Colony, seconded by the Assistant Treasurer, the Council resumed.

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

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

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

Agreed to.

The Acting Attorney-General:—I move the first reading of a Bill entitled, "An Ordinance to amend the Criminal Procedure Ordinance, 1914," so far as the provisions thereof relate to the Colony.

The Secretary, Southern Provinces and Colony, seconded.

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

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

The Acting Attorney-General:—I move the second reading of the Bill entitled, "An Ordinance to amend the Criminal Procedure Ordinance, 1914," so far as the provisions thereof relate to the Colony. There are two amendments introduced in the Criminal Procedure Ordinance, 1914, by this Bill. One is in section 50 which deals with cases where, in the course of a trial or preliminary investigation, the Court has reason to believe that the accused person is of an unsound mind and, consequently, incapable of making his defence. There has been some doubt as to whether a preliminary investigation includes an inquest held on the body of a person believed to have been murdered, where a person accused of murder or manslaughter is brought before the Coroner. It is considered, for several reasons into which I need not enter, that such interpretation should not be put on those words. Clause 2 of this Bill is introduced merely to make the point quite clear.

With regard to Clause 3, this is connected with a Bill that was published in the same *Gazette* dated the 2nd of February last. In that Bill it is proposed to insert a new section in the Provincial Courts Ordinance, 1914, giving to Residents in charge of Provinces and Commissioners of Provincial Courts exercising full jurisdiction a discretion as to sitting with assessors in criminal trials. At present the law does not make any provision in that respect, except in the case of a Judge of the Supreme Court. The Bill to which I have referred is now ready for enactment, and it is desirable that the Bill now before the Council should be brought in at the same time, because the

His Excellency :—We are bound to choose what is essential, otherwise we defeat our object.

The Comptroller of Customs :—The value of cordage and twine—they are grouped together—imported in 1921 was £50,105, so there will be quite an appreciable amount of duty to be collected. In the case of twine, which is such a cheap article, the proposed duty will not alter the price much and it may encourage the use of the locally made variety which, I believe, would be suitable for closing the mouths of sacks.

His Excellency :—What is the proposed duty on it?

The Comptroller of Customs :—15 per cent. *ad valorem*.

His Excellency :—I am afraid, as regards flour and rice, that we must adhere to the present scheme. They have been selected as being articles which are imported in considerable quantities and it is essential that we should choose articles that cannot easily be dispensed with, or we defeat our object.

Does any other Honourable Member desire to address the Council in connexion with this Order?

Motion put and carried. Order approved accordingly.

#### BILLS.

The Secretary, Southern Provinces and Colony :—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 the Peace Treaty with Hungary," so far as the provisions thereof relate to the Colony. This is a stereotyped form of legislation and the objects and reasons are sufficiently explained in the printed copy of the Bill in the hands of Honourable Members.

The Acting Administrator seconded.

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

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

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

Clause 1 was read. On the motion of the Acting Attorney-General, the year "1921" was altered to "1922."

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

Clause 2 was read. On the motion of the Acting Attorney-General, the year "1921" appearing in the last line of subsection (2) was altered to "1920."

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

Clauses 3 and 4, the preamble, and the enacting clause were read and passed, so far as they related 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 the Peace Treaty with Hungary."

On the motion of the Secretary, Southern Provinces and Colony, seconded by the Assistant Treasurer, the Council resumed.

The Secretary, Southern Provinces and Colony :—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 the Peace Treaty with Hungary," so far as the provisions thereof relate to the Colony.

The Assistant Treasurer seconded.

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

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

Agreed to.

The Secretary, Southern Provinces and Colony :—I move the second reading of the Bill entitled, "An Ordinance to amend the Public Lands Acquisition Ordinance, 1917," so far as the provisions thereof relate to the Colony. In a recent appeal from the Supreme Court to the Privy Council the counsel for the Respondent who was nominally the Secretary, Southern Provinces, made a preliminary objection as to the competency of the appeal, and based it on section 20 of the Public Lands Acquisition Ordinance, 1917, which provides that the decision of the Supreme Court shall be final and conclusive.



or seven months, been worse than in any previous period I think on record, and nothing but sheer necessity has compelled my Government to introduce the further impositions. None the less, in the event of our being in a position to remit taxation, I am increasingly convinced that our first duty will be to reduce the export duties on produce rather than to reduce the import duties. We are committed, as you are aware, to a considerable number of public works which will eventually be, indirectly, of a remunerative character. These are being paid for out of Loan Funds, but it has been necessary to advance considerable sums from our surplus balances which will eventually be recovered from Loans and Honourable Members will realise that it will be necessary to raise a loan this year to repay these amounts. We are at present, to a very great extent, dependent on our surplus balances even for our current expenditure and, in order to finance the various public works to which we are committed and to carry on the ordinary work of administering the Colony and Protectorate, it is essential that we should make provision for an enhanced revenue, and for this reason you are asked this afternoon to accept the proposals which are now put forward. After very careful consideration, we have selected for additional taxation those articles which we have reason to think will most surely produce the revenue required and which will impose increased burdens on the more well-to-do sections of the community rather than upon the agricultural and producing classes.

There is only one other point that I should like to mention, and that is in connexion with the taxation on provisions. We regret the imposition of taxation upon provisions, from which the Colony has been free for a period of fifteen years, but, on the other hand, we realise that the tax on provisions will be paid mainly by the more well-to-do sections of the community—European and African—and, as I have already said, it is only fair that those sections should to-day bear as large a portion as possible of the increased burden, having regard to the fact that the ordinary native of the country—the farmer, the producer—is to-day bearing a very heavy burden in the form of export duties because, although the export duties are actually paid by the merchants, the individual producer is the person who really, in the end, bears practically the whole of that burden.

Does any Honourable Member desire to address the Council on the subject of his Order?

The Honourable Mr. Harvey :—I would like to say, Your Excellency, that I had, to some extent, contemplated an increase in the import duties very much in accordance with the Order in Council that has been read to us. Of course, personally, I very much regret that it is not possible at this moment—and I agree it does not yet seem possible—to combine the increase in the import duties with some remission of the export duties, because I think that the export duties as they stand constitute a heavy burden on the produce trade and while they remain in full force it is possible any increase in the import duties may cause the import trade to suffer and that these new duties may, therefore, fail to produce the revenue they are expected to do: while, on the other hand, if it is possible to remit the export duties on produce—and I note with pleasure Your Excellency's promise that this point will continue to occupy Government's attention—the increase in the shipment of produce will naturally lead one to expect an increase in the import trade.

As regards the items upon which duty is now leviable, I do not think that there is anything that calls for special criticism as far as I can see. There is one item, however, to which I should like to refer, and that is flour which I hardly think can be described as an article of consumption by only the more prosperous classes of the community. It seems to me that all classes consume bread whenever it is procurable. Flour too may be described in this sense as an unmanufactured article and the turning of it into bread affords occupation for a number of people. On those grounds I should be glad to see that article exempted from duty.

The Honourable Dr. Obasa :—May it please Your Excellency! I would like to express my agreement with what the Honourable Member sitting opposite me has just said. An article like rice is not now consumed mainly by the well-to-do—it is an article of food consumed as much by the less wealthy as by the wealthy, and I certainly think that, if that article can be exempted from duty, it will remove what would otherwise be felt as a great hardship.

The Honourable Mr. Evans :—There are one or two items that perhaps we could induce Your Excellency to allow to enter free of duty, and those are Cordage and Twine. I do not think that a great deal of cordage comes into this country since the natives do not use it much, but it is quite essential for the upkeep of shipping. As regards Twine, as bags for produce are free, I think that twine for sewing the bags should also be admitted free.

Under the circumstances, perhaps the Comptroller of Customs will see his way to recommend that the duty now imposed on the articles in question may be removed or at any rate reduced.

His Excellency :—But it is not a prohibitive duty?

The Honourable Mr. Evans :—It is not, but the amount that is imported is so small as to hardly increase the Revenue.

The Comptroller of Customs laid on the table the draft Order in Council made under the Customs Tariff Ordinance, 1916. Through an oversight copies of this Order were not available for circulation to Honourable Members at this meeting, but His Excellency requested the Comptroller of Customs to read to the Council the changes and additions proposed in the Order to be made in the existing duties.

The Comptroller of Customs:—Your Excellency and Honourable Members, I have to move 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. The effect of this Order will be, in the first place, to increase the existing *ad valorem* duties from 12½ to 15 per cent. This is estimated to produce £60,000 in a full year and, if the Merchants have passed on to the producer the recent reduction in outward ocean freights which came into force in January, it is hardly likely that this increase of 2½ per cent. in the duties will be very greatly felt. On the Gold Coast the *ad valorem* duty on practically all articles liable to such is 20 per cent. In Sierra Leone the rate is 25 per cent.

The second proposal is that there will be added to the *ad valorem* list the following articles which have hitherto been on the free list:—

Glassware,	Jewellery and plate,
Haberdashery,	Musical Instruments,
Hardware, including articles of brass, copper, and zinc manufacture,	Perfumery, other than perfumed spirits,
Brooms and brushes,	Pipes, smoking,
Candles,	Prints and engravings,
Cordage and Twine,	Toys and games.

It is hoped that the yield from these articles will be £27,000 in a full year. Only few of them can really be regarded in the light of necessities.

The third proposal is to place a duty of 10 per cent. on corrugated iron sheets. It is hoped that the amount to be derived from this will be £7,000 in a full year, although the quantities imported recently have been very considerable. The amount imported in the first three months of this year was 1,581 tons as compared with 206 tons in the corresponding quarter of last year, so that it is possible that the amount of duty expected from this source will not be quite realised.

The last proposal is to impose 15 per cent. *ad valorem* duty on provisions, and the articles which come under the head of provisions are:—

- Bread and biscuits,
- Fish, other than fresh fish,
- Flour,
- Provisions, other than fresh provisions,

His Excellency:—Does that include the Cold Storage provisions? Ans.:—No, Sir, those come under "fresh provisions" which are exempt from duty.

The Comptroller of Customs (continuing):—

- Rice,
- Sugar, and
- Tea.

It is estimated that the yield from provisions will be £67,000 in a full year. Provisions were liable to duty in this Colony up to 1907. In that year when the revenue derived from spirits amounted to no less than £807,000 the duty was removed and provisions were placed on the free list. In 1921 the duties on spirits only yielded £206,000. I think that there are few Governments which do not tax sugar, tea and probably many other articles which come under provisions. Nigeria has always enjoyed a very comprehensive free list, and the articles mentioned will not reduce it very materially.

The total estimated revenue from these proposals is £161,000 in a full year.

The Acting Administrator seconded.

His Excellency:—Before the motion is put to the Council, I should like to express to you, Honourable Members, my extreme regret that copies of this document have not, as is usual and proper, been prepared in advance to be placed in your hands as soon as the motion was moved. You will realise that it is necessary, on occasions when it is proposed to increase existing taxation, that action should be taken without any previous notice so as to prevent the removal of goods from bond and other means of escaping burdens that are about to be imposed, but, in spite of that, it is usual always to have copies of the document ready for circulation to Honourable Members, and I am very sorry that, on this occasion, that course has not been taken.

I should like to say that it is with the greatest reluctance that my Government finds itself compelled to impose further import duties. At the present moment we are going through an exceedingly difficult period. Trade in Nigeria has, during the last six

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 FRIDAY, THE 28th APRIL, 1922.

## PRESENT:

- His Excellency the Governor and Commander-in-Chief, Sir Hugh Clifford, G.C.M.G.,  
 His Honour the Acting Administrator, R. A. Roberts, Esq.,  
 The Honourable the Secretary, Southern Provinces and Colony, Lieutenant-Colonel F. Jenkins, C.M.G.,  
 The Honourable the Assistant Treasurer, A. H. Hodges, Esq.,  
 The Honourable the Acting Commissioner of Lands, F. E. Knapp, Esq.,  
 The Honourable Mr. E. O. Moore,  
 The Honourable Mr. A. M. Harvey,  
 The Honourable Dr. O. Obasa,  
 The Honourable Mr. W. A. E. Evans,  
 The Honourable the Acting Attorney-General, M. L. Tew, Esq.,  
 The Honourable the Comptroller of Customs, J. D. Milne Stewart, Esq.,  
 The Honourable the Assistant Director of Medical Service, Dr. G. B. Norman.

## MINUTES.

The Minutes of the Meeting of the Council held on the 29th March, 1922, as circulated to Members, were confirmed.

## OATHS.

Mr. William Alfred Edward Evans, on provisional appointment as an Unofficial Member during the absence on leave of the Honourable Mr. S. Waring, subscribed to the Oath of Allegiance and took his seat as a Member of the Council.

## PAPERS.

The Secretary, Southern Provinces and Colony, laid the following paper on the table:—

No. 13 of 1922.—Annual Report on the Medical Research Institute for the year, 1920.

## MOTIONS.

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

“That this Council approves of the Order in Council made under the Water-works Ordinance, 1915, now laid on the table.”

The object of this Order is to enable the Water Rate to be levied on the properties which have been assessed on the Ikoyi Areas. The original assessment area excluded Ikoyi, being bounded in this direction by the Macgregor Canal. The present Order covers the area defined by the *Gazette* Notice of December 15th, 1921, and brings under assessment the houses of the non-officials now living in Ikoyi.

The Clerk of the Council passed copies of the Order round to Honourable Members.

The Assistant Treasurer seconded.

His Excellency:—Does any Honourable Member desire to address the Council on the subject of this Order?

Motion put and carried. Order approved accordingly.

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

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

The Secretary, Southern Provinces and Colony :—I move the second reading of the Bill entitled "An Ordinance to provide for the Service of the Colony of Nigeria, for the year ending the thirty-first day of March, one thousand nine hundred and twenty-three."

The Assistant Treasurer seconded.

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

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

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

Clauses 1 to 4 were read and passed.

His Excellency :—If any Honourable Member has any remarks to make under any of the Heads of the Schedule while the clerk is reading it, perhaps he will stop him and we will then discuss the matter.

The schedule, preamble and enacting clause were read and passed.

Title settled : "An Ordinance to provide for the Service of the Colony of Nigeria, for the year ending the thirty-first day of March, one thousand nine hundred and twenty-three."

On the motion of the Secretary, Southern Provinces and Colony, seconded by the Assistant Treasurer, the Council resumed.

The Secretary, Southern Provinces and Colony :—I move the third reading of the Bill entitled "An Ordinance to provide for the Service of the Colony of Nigeria, for the year ending the thirty-first day of March, one thousand nine hundred and twenty-three."

The Assistant Treasurer seconded.

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

Question put that the Bill 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 attendance here to-day and declare the Council adjourned *sine die*.

The Secretary, Southern Provinces and Colony:—I move the first reading of a Bill entitled, "An Ordinance to amend the Palm Kernels (Export Duty) (No. 2) Ordinance, 1919," so far as the provisions thereof relate to the Colony.

The Assistant Treasurer seconded.

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

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

The Secretary, Southern Provinces and Colony:—I move the second reading of the Bill entitled, "An Ordinance to amend the Palm Kernels (Export Duty) (No. 2) Ordinance, 1919," so far as the provisions thereof relate to the Colony. The objects and reasons are sufficiently explained in the copy of the Bill in the hands of Honourable Members.

The Assistant Treasurer seconded.

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

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

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

Clause 1 was read. On the motion of the Acting Attorney-General, the year 1921 was altered to "1922."

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

Clause 2 was read. On the motion of the Acting Attorney-General, the word "water" was inserted between the words "inland" and "navigation" in the second line of the proposed amendment, and, in the same line, the words "from places beyond Nigerian territory" were also inserted between the words "navigation" and "shall." The Acting Attorney-General observed that he had proposed the foregoing amendment in the proviso so as to obviate the possibility of any doubt that the exemption from payment of duty was granted only in the case of palm kernels in transit from places beyond Nigerian territory. The proviso as originally worded might apply to palm kernels exported from one port in Nigeria and transhipped at another port. The proviso as now amended read:—

"Provided that palm kernels in transit by sea or inland water navigation from places beyond Nigerian territory shall be exempt from the said duty."

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

The enacting clause was read and passed, so far as it related to the Colony.

Title settled: "An Ordinance to amend the Palm Kernels (Export Duty) (No. 2) Ordinance, 1919."

On the motion of the Secretary, Southern Provinces and Colony, seconded by the Assistant Treasurer, the Council resumed.

The Secretary, Southern Provinces and Colony:—I move the third reading of the Bill entitled "An Ordinance to amend the Palm Kernels (Export Duty) (No. 2) Ordinance, 1919," so far as the provisions thereof relate to the Colony.

The Assistant Treasurer seconded.

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

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

Agreed to.

The Secretary, Southern Provinces and Colony:—I move the first reading of a Bill entitled "An Ordinance to amend the Public Lands Acquisition Ordinance, 1917," so far as the provisions thereof relate to the Colony.

The Assistant Treasurer seconded.

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

The Secretary, Southern Provinces and Colony:—I move the first reading of a Bill entitled "An Ordinance to provide for the Service of the Colony of Nigeria, for the year ending the thirty-first day of March, one thousand nine hundred and twenty-three."

The Assistant Treasurer seconded.

Council, as constituted now, there will be found the germ of further political development, which will follow according to the uses to which the power now given is put; and, above all, I believe that the institution of this Council, which will bring together so many sections of the various communities in close and frequent contact, and in close discussion of matters in which we are all keenly interested, will produce a healthier political atmosphere than that which has prevailed in Nigeria during the last few years.

It will take some time for the documents, which are only now being returned to the Secretary of State, to be prepared and many submitted to His Majesty; but I think we can promise ourselves that, before the next Estimates are ready for discussion, the Council will be in existence, and that the procedure which I have explained to you will be put into force for the first time in the history of Nigeria, every item of expenditure suggested by the Government being subjected to discussion by all those representatives of the general public who have seats upon the Council or by the Committee specially selected by the Council to consider the Estimates in detail.

I believe that the creation of this Council of Government will be attended by many advantages; but of these foremost of all, I place, perhaps, the added trust and confidence that I hope, as a result of this institution, will grow up between all sections of the community throughout Nigeria. I believe that with the co-operation of all who are connected with public affairs,—whether officials like myself, whose life's work is devoted to Nigeria, or unofficials whose every interest is centered in this country in which they live and move and have their being,—I believe that the co-operation and better understanding between all sections of the community, which I hope will result from the institution of this Council, will tend to the better government of Nigeria and to the enhancement of its prosperity; and I also hope that when in some far-off day a further development of the political institutions of Nigeria becomes necessary, this new institution will be recognised by those who come after us as the first really upward step towards responsible popular government that has been voluntarily taken by any Nigerian Administration in the interests of the people of this great Dependency.

#### PAPERS.

The Secretary, Southern Provinces and Colony, laid the following papers on the table :—

- No. 8 of 1922.—Annual Report on the Prisons Department, Colony and Southern Provinces, for the period 1st January, 1920, to 31st March, 1921.
- No. 9 of 1922.—Annual Report on the Education Department, Southern Provinces and Colony, for the period January, 1920, to March, 1921.
- No. 10 of 1922.—Annual Report on the Lands Department, for the period 1st January, 1920, to 31st March, 1921.
- No. 11 of 1922.—Annual Report on the Supreme Court of Nigeria, for the period 1st October, 1920, to 30th September, 1921.
- No. 12 of 1922.—Financial Returns for the period 1st January to 31st March, 1922.

#### BILLS.

The Secretary, Southern Provinces and Colony :—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 the Peace Treaty with Hungary," so far as the provisions thereof relate to the Colony.

The Assistant Treasurer seconded.

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

Council as the accredited spokesman of that particular part of the country. In the case, for instance, of such a place as Abeokuta, I should be mainly guided in my selection by the fact that the person to be nominated enjoyed the confidence of the Alake and his Council, was himself a person of good character, and was well acquainted with the English language, so that he could efficiently represent that portion of the country on the Council and join freely in its debates.

I should like to say one word concerning the apparent disparity of numbers between the official and the unofficial sides of the new Council of Government. As I have said, the former will number twenty-seven and the latter eighteen, thus giving to the Government, in a fully attended Council, a majority of nine. In ordinary circumstances, however, often none or at the most one Senior Resident—viz., the Resident of Oyo,—will be able to attend meetings of Council; and this at once reduces the number of Government Members to eighteen. Similarly the Lieutenant Governor of the Northern Provinces, the Commandant of the Nigeria Regiment, and the Secretary to the Northern Provinces will only occasionally be able to attend; and when these facts are remembered, it will be admitted, I think, that, on normal occasions, the Government will not possess in the Council a very formidable majority.

Now the powers of the Council will be as follows: They will legislate only for the Colony and for the Protectorate of the Southern Provinces. In the case of laws that affect the Northern Provinces, legislation will continue to be enacted by the Governor, who, individually and through the Lieutenant Governor of the Northern Provinces and the Residents accredited to the Courts of the various Emirs, is in a position to keep in touch with the feelings and wishes of the Rulers of those Emirates in a manner that would not be possible for any body such as the Council of Government sitting in Lagos to do. If the right to legislate for the Northern Emirates were to be given to a Body such as the Council of Government in Lagos, with which the Emirs will have no immediate and close connection, there can be no doubt that such action on the part of the Government would be resented, and justly resented, by the Emirs and by their principal Councillors. It is, therefore, proposed that the powers of the Council with regard to legislation should be confined to the Southern Provinces and to the Colony. On the other hand, all public expenditure, whether it be expended in whole or in part, in the North or in the South, so long as it issues from the Public Treasury, will come within the scrutiny of the Council of Government. Also any matter of public interest may be raised for debate in this Council, whether it be a matter concerning the policy of the Government or the action of any of its officers; and there will be no restriction upon the Council's free discussion in debate of any such question of public interest that may from time to time arise, no matter whether it relate to the Colony or to any part of the Protectorate, north, south, east or west.

Now, that in outline—in very brief outline—is the scheme that has been submitted by me to the Secretary of State for the Colonies and which, without alteration, the Secretary of State has done me the honour to approve. I believe that the foundations upon which this scheme stands are sound in principle. I believe that the Council of Government will tend to satisfy the legitimate aspirations and ambitions among the more intelligent and the more advanced sections of the local communities which, during the last few years, have not been given the political scope which they desire and which I am convinced that they deserve. I believe it will fulfil in itself many useful and practical purposes, such as, in the course of my address to you this afternoon, I have had occasion to indicate. I believe that in this

the Lieutenant Governor of the South—the Commandant of the Nigeria Regiment, the Attorney-General, the Director of Medical and Sanitary Services, the Treasurer, the Director of Marine, the Comptroller of Customs, and the Secretary for Native Affairs. The Members of the Executive Council are ten in number, and that, with the Governor, will make eleven. There will also be the ten Senior Residents for the time being on duty in Nigeria: that will make a total of twenty-one. Then the Deputy Chief Secretary and the Secretaries of the Northern and Southern Provinces respectively, will also have seats on this Council, making a further addition of three, thus bringing the number up to twenty-four including the Governor. And, finally, there will be the representatives of the three great Departments which come into peculiarly close touch with the general public and concerning the management of whose affairs the general public necessarily take a very vital interest. I refer to the General Manager of the Railway; the Director of Public Works, and the Postmaster-General, all of whom will be Members of the Council of Government. That makes twenty-seven officials all told, including the Governor.

Now I come to the unofficial element. The town of Lagos is, to all intents and purposes, a major part of the Colony of Nigeria. It is going to lose its Legislative Council and it is necessary that we should compensate it for that loss, although I cannot myself believe that this Council, as at present constituted, is able to exercise upon public affairs the sort of influence which such a Body should by right exercise and its disappearance from the scheme will not therefore be deeply felt. We propose that the town of Lagos—the Municipal area of Lagos—should return to the Council three Members and that those Members should all be elected by the ratepayers within the municipal area. It is proposed, in the case of Calabar, that one Member should be returned, and that that Member should similarly be elected by the ratepayers of Calabar. It is further proposed that the Chambers of Commerce of Lagos, of Calabar and of Kano should each select one Member to represent it upon the Council of Government. Similarly, the local Chamber of Mines will be invited to select one Member to represent it also on the Council of Government; and two Members will be nominated by the Governor to represent, respectively, the specific interests of Shipping and Banking. That will leave eight Members still to make up the complete number of eighteen which is the number of Unofficial Members that has been approved, making four elected and fourteen nominated Members. Those eight Members will be nominated by the Governor, as far as possible, to represent African interests in parts of Nigeria which are not sufficiently advanced to elect their own Members.

As regards the elected unofficial Members, there will be certain qualifications required of candidates. They will have to be British subjects or natives of the Protectorate of Nigeria; they will have to have attained the age of 21 before they stand for election; they will have to be in possession of an income of no less than £100 *per annum*; they will have to have been resident in Nigeria for a continuous period of twelve months prior to the date upon which their names are put up for election; and they will, of course, have to fulfil the same qualifications which are required for Members of the Municipality,—for instance, persons who have been convicted of felonies and things of that sort will not be eligible for election.

As regards the nominated Members representing African interests, the consideration which will mainly guide their selection will be the existence, in the case of such places as Onitsha, or Lokoja, or Ibadan, or Abeokuta, of some person who enjoys the confidence of the local public and who can fittingly be nominated to sit on the



believed by myself and by my colleagues that the country will be better administered under the system which I am explaining to you than it is possible to-day to govern it under the existing system—it is my earnest hope, I say, that the power which is about to be transferred to the people will be wisely and soberly used, with a very strong sense of the heavy responsibility towards the Nigerian public which will rest upon the representatives on the Council who hereafter will have the right and full authority to speak for those who have sent them to its Board.

Now, you can imagine I think, that very great difficulties attended the solution of the problem as to how a Council could be devised and worked in a country such as Nigeria that would meet even partially the various functions of a Council of Government such as that which I have been describing. The vast extent of the country, the great and well-known difficulty of communication in many parts of it, the heterogenous character of the people, the diversity of the stages of civilisation to which many of them have attained, the diversity of race, of religion and of language, the diversity of local forms of government,—every one of these things contributed complications and added difficulties to the solution of the problem with which I was faced. But the greatest difficulty of all, as I first viewed the matter, was the complete autonomy which is enjoyed in the Emirates of the North and in certain of the Native States of the Yoruba Country, where the *de facto* Government is not the Government of Nigeria, but the Native Administrations which control the affairs and rule the populations of their own Emirates or Kingdoms, as the case may be, with none save advisory assistance and control from the officers of the Nigerian Government. In fact, the problem came to this: How was I to devise a Council which would preserve Native Administrations from encroachment and interference which they would have every right to resent, and at the same time would afford to the more politically advanced sections of the populace in the South adequate opportunity for their political development, and for the development without let or hindrance of such political instinct and genius as they may possess? For it must be realised that, when the amalgamation scheme was promulgated in 1914, not only were the political institutions of the South arrested in their then state of development, but an actually retrograde step was taken, the amount of popular representation which had been enjoyed in the past by the Council of Southern Nigeria ceasing to exist, that Body being abolished and replaced by this Legislative Council which I am addressing this afternoon, and by the Nigerian Council—neither of which have proved an efficient substitute for it. This meant, for the time being, closing the door to the natural political development of the more politically minded sections of the communities of the Southern Provinces of Nigeria.

Such was the problem that I had set myself to solve, and, as the result of very careful discussion and study—discussion with men of many shades of opinion, and study of local conditions made as painstakingly as the circumstances at my disposal rendered possible—I hit upon a solution which, I trust, will prove to be fairly efficient, even if it can lay no claim to be all that the heart of man can desire. There are so very few things in the world that the heart of man does not desire, that I could not for a moment dream that any proposals that might emanate from me could possibly satisfy the insatiable.

Now I am going to tell you what will be the *personnel* of the Council. Taking first the official side, there will be the Governor, who will be the President of the Council, and there will be the Members of the Executive Council, namely the Chief Secretary, the two Lieutenant Governors—the Lieutenant Governor of the North and

disposal of the Government, which was thus placed in a position to appreciate the character of the results that were likely therefrom to ensue.

Now, let us turn to the advantages which the Council of Government may claim to have from the point of view of the general public. To begin with, it gets over the very high fence of taxation without representation. No man likes to be taxed, but intelligent and politically minded people dislike even more to be taxed and at the same time to have no voice in the nature of the tax that is to be imposed, and no power to criticise the means of levying the taxation which from time to time is exacted from them. In the end, we all have to pay taxes, because the country cannot get on without them; but we do like to have some sort of moderating voice in the decision as to the forms which that taxation is to take. A Council also dispels, once for all, the suspicions which are almost inevitably aroused when there is no means of criticising public acts otherwise than in newspapers, and few means of ascertaining the full truth about any matter that is exciting public interest. It will have the effect, I say, of dispelling suspicion which in existing circumstances inevitably arises—circumstances which I believe in some of the local papers are described as "hole and corner" methods of administration. When you have the whole action of Government brought forward, not only with the Estimates, but from month to month, with the meetings of Council,—when debates can be raised on any subject on which it is felt that the action of Government is susceptible of misunderstanding—when you have that at your disposal, suspicion of the actions of Government is likely very soon to be dispelled, and with even greater advantage to the persons who harbour those suspicions than to me and to my colleagues who have, from time to time, been the object of them.

But quite apart from that, in the age in which we are living, no self-respecting community which has reached a certain political standard and sense of appreciation of public affairs, can readily submit to the humiliation of having all its public business transacted for it by a Governor, no matter how wise, and by his Executive Council, no matter how strong and perfect, without its voice being for a moment heard. A civilised community to-day cannot submit indefinitely to a continuous performance by a Government of something closely resembling the "confidence trick." Government may constantly tell you that your affairs have been considered and dealt with with the utmost care, but unless the data upon which that consideration has had its foundation and upon which are based the decisions of the Government, are made accessible to the public, the latter are placed very much in the position that is occupied by the victims of the authorities of the nursery or of the schoolmaster who tell the young and immature of our kind that they know what is best for them when decreeing, for instance, that they are not to have any sugar in their tea.

That, in future, will not operate any longer in Nigeria; and the general public who are interested in the affairs of the country, will be able to obtain from the Governor and from his colleagues through their own representatives upon the Council of Government, the fullest information concerning public affairs, by means of which they can themselves judge whether the decisions arrived at are wise and just or the reverse. Moreover, by public debate will be shown what the feeling of the general public is on any given matter, and judicial members will thereby bring a very considerable influence to bear upon the conduct of public business. I hope very sincerely that that power which is now being surrendered voluntarily, you will retain, not as the result of any agitation, but purely because it is

before they are allowed to gain currency, it is very easy to engender discontent and disaffection in people who are themselves innocent of offence, but who can very readily be quickened to a sense of apprehension, suspicion and dismay. Such an instrument is furnished to the Administration by a Council of Government. But most valuable of all, perhaps, is the fact that a Council of Government supplies a perfectly natural and automatic channel of communication between the Government and the intelligent public with which it has to deal. At the present moment, in my opinion, and as far as I can find as a result of my two and a half years' experience in Nigeria, the Government and the intelligent sections of the public are almost completely divorced from one another, except when, by the special effort and endeavour of individuals, some sort of temporary contact is, for the moment, established. Now, when you have got a number of people keenly interested in the affairs of the country sitting round a table with a number of officials who are equally keen to do what is best for that country, it follows that personal and intimate relations are apt to be speedily established between them; and, therefore, in the event, for instance, of some unhappy rumour reaching an unofficial member of such a Council, his first instinct is to turn, not to the inflammatory newspaper or to the still more inflammable crowd in Tinubu Square, but to the Chief Secretary to Government or to one or other of the responsible officials directly concerned, in order to find out how matters really stand, and if necessary, to bring the question up for debate in the Council of Government. I believe that that alone is going to be a very valuable asset, not only in the hands of the Government, but in the hands of certain sections of the community who really have the welfare of this country at heart. And, in this connection, I would suggest to you that at the present time the only really effective criticism of the measures of Government comes almost exclusively from those sections of the mercantile community which are represented by certain Bodies in England, one of whose leading members, Mr. Rickaby, is present in this Chamber this afternoon. I refer to the Chambers of Commerce of London, Liverpool and Manchester. They have a great deal to say in criticism of Government measures, and I must say that, although sometimes their criticisms inevitably appear somewhat one-sided, on other occasions they criticise with a force and a penetration such as one has learned to expect from the business experts who belong to those three great Commercial Institutions. But no matter how useful and effective the criticisms of the Chambers of Commerce may be, one is compelled to realise that they only come from one particular quarter only; and if you are going to have the actions of Government thoroughly criticised and properly scrutinised, your criticism ought to be of a far more catholic character than that. This, I think, will be secured by the Council of Government which it is proposed to establish in our midst. And here I would say a word to my colleagues about the value of criticism. It is sometimes thought even by senior public officers that to listen tolerantly to the criticism of one's actions is almost an unworthy act, and indicates a lack of confidence in one's own wisdom and judgment. Personally, I have always regarded criticism, provided it is honest, as one of the most useful tools in the hands of Government. It may show Government officers weak points which their own more restricted knowledge of local conditions would almost inevitably cause them to ignore; it may warn them in what direction to look for opposition against measures which they believe to be necessary for the public good. It may—I have often known this to happen in other Colonies—it may cause measures to be so radically altered or even withdrawn, that action which might have caused a very considerable disturbance of the public peace has been avoided, purely though the fact that timely criticism was at the

instrument for the removal of misapprehensions and misunderstandings, and it enables the Government to place before a number of business men the reasons that actuate it, and, possibly, to prove to them and to the general public that it is neither altogether a knave nor completely a fool. That, in itself, is not altogether disadvantageous; but I would suggest to you, Honourable Gentlemen, that the advantages that accrue from a Council such as this are shared pretty equally between those who govern, on the one side, and those who are governed, on the other. From the point of view of those who govern, for instance, I know nothing—and I speak from long and extended experience of colonial administration—I know nothing that has so steady and so salutary an effect upon the actions of Government and of its officers, from the Governor himself down to the last joined cadet, as the institution of a Council such as this. I may say that this is the very first Colony in which I have served during the eight and thirty years which it has been my privilege to live and work in the Tropical Colonies of the Empire in which there has been no necessity for the Governor to put to himself the simple question which is the first that occurs to the Governor of any other Colony with which I am acquainted; and that question, which he puts to himself when giving an order or recording a decision, if he is in any doubt, is: "How should I defend this order or this decision if it were brought up in debate in the Council of Government?" And even a newly joined cadet, when moved for the moment by the impetuosity of youth, finding himself tempted to commit some arbitrary act, he also will have to say to himself: "How would this thing look if they were to have in question in the Council of Government and if they were to have me 'on the mat' about it?" These considerations, I can assure you, have an admirably chastening and most restraining effect upon even the most judicious, even the most cautious, even the most ambitious, and even the boldest of Government officers; and it has always seemed to me to be a very real loss to the public service over which I have the honour at this moment to preside that it has never been taught to ask itself, and has never had to teach itself to ask, questions such as I have indicated, which cannot but arouse in a man's own conscience an added sense of responsibility, which sets him scrutinising the methods he is using in the discharge of his duties and asking himself whether they are right or wrong. I think that is going to be a distinct gain; but I should like to say that it is very greatly to the credit of the officers in the Public Service of Nigeria that, in spite of the fact that, in carrying out their duties, they have hitherto lacked these adventitious aids to rectitude, their record is the fine record that it is.

There is another point—a very important point and a very advantageous point from the standpoint of Government—and that is that a Council of Government, such as that of which I am speaking, provides the Government with the means of dispelling mischievous and spiteful rumours as to its actions and intentions. Now rumours of that description are very dangerous weapons if they find their way into the hands of sufficiently astute and unscrupulous people, who are dealing with ignorant masses of almost incredible credulity—masses who will believe almost anything that is told to them, no matter how clearly it may appear to better informed minds that the thing alleged could not have any foundation in truth. Now the day that any such rumour is started—and such rumours, as a rule, have a certain substratum of fact underlying a surface no matter how distorted and grotesque, for "the lie that is half a truth, is ever the blackest of lies"—the day, I say, that such rumours are started, if you have not the means at your disposal of nailing such forged half-crowns promptly to the counter

The Nigerian Council as at present constituted, which, as I have said, only possesses advisory and deliberative powers and meets at very rare intervals, will similarly disappear from the scene. I do not think that any appreciable loss will be suffered by the Colony and Protectorate of Nigeria by the disappearance of that quite recent institution.

Now, before I tell you in detail what the scheme is to which the approval of the Secretary of State has been accorded, I should like to say a few words as to the functions of a Council of Government, such as that which it is proposed to inaugurate in Nigeria as soon as the necessary documents can be submitted to His Majesty for approval and signature.

The *raison d'être*,—the object of the existence—of a Council of Government in a Colony and Protectorate such as this, is primarily to give a voice in the management of their affairs to the intelligent and actively politically minded sections of the local community; to afford to all persons interested in public affairs throughout the Country the fullest information concerning the actions and the intentions of Government and the reasons which actuate it in forming its policy; to enable those who are interested in such matters to keep always a close eye upon the actions which the Government is taking, and not only upon the actions which it is taking, but upon the projects which it entertains and upon the actions which it contemplates; and also to watch the financial affairs of the country, which are really the mainspring which regulates all activities of a public character in a country such as this. I should explain that, in future, the Annual Estimates for the whole of Nigeria will be submitted to the Council of Government in proof, having been circulated to its Members some days in advance, that, when the Council meets, beyond an Address by the Governor on the general situation, no business will be transacted except that the Council will select a Committee which will sit under the presidency of the Chief Secretary to Government, or the officer for the time being acting in that capacity; and that by that Committee the draft Estimates will be examined item by item, Heads of Departments attending at meetings of the Committee and affording to its members any information which they may require with regard to any provision that is made or any omission that can be detected. For instance, the Honourable Member on the Committee who is particularly anxious to have a road constructed leading to his own private domain will have to make good to his colleagues his reasons for his advocacy of such a scheme. Similarly, the Director of Public Works will have to convince the members of the Committee that his proposals are sound and such as to justify the expenditure provided. It will mean that when the Estimates leave this Colony, and are submitted to the Secretary of State for the Colonies for his final approval, they will carry with them, not only the endorsement of the Governor and his colleagues, but that of the accredited representatives of the various interested sections of the community of Nigeria itself; and I may suggest that recommendations and proposals which bear that double endorsement are less likely to endure mortifying alterations than are documents which, up to the moment of their publication locally, have been seen by nobody but the Governor and his colleagues.

A further object that is fulfilled by the institution of a Council, such as that of which I am speaking, is that it affords a welcome opportunity for ventilating any grievances that at the moment may be causing exacerbation to any portion of the community, or, even in extreme cases, to individuals, on behalf of whom a Member of the Council may feel justified in interposing. It is a potent

know what the left hand was doing, but so that even each separate digit would know the work upon which the remaining digits were engaged, and be able to co-operate with one another in their common task. That, in itself, I can assure you, entailed no light labour; but in the somewhat bulky Address, which I laid on the table of the Nigerian Council on the 29th of December, 1920,—a volume which I am assured quite a large proportion of the Members of that Council have done me the honour of reading,—I stated:—

“During the past twenty months I have been devoting a considerable amount of thought and attention to the question of the lines upon which the Nigerian Council might profitably be reconstructed in order to make it a serious factor in the government of the Colony and Protectorate” (quoting, you will observe, the words that were used by the late Mr. McNeill), “and also as truly and practically representative of all Nigerian interests as is to-day possible for any Assembly of the kind, having regard to the vastness of the country and to the great diversity of race, of degrees of civilisation, of political and social institutions, of language and of religious beliefs and observances which obtain amongst its inhabitants.”

I left this country to proceed on leave, at the end of a twenty-month tour, on the 4th of April last year; and the mail which carried me home carried also a despatch dated the 29th of March, 1921, in which I formulated certain proposals for the consideration of Mr. Churchill, the Principal Secretary of State for the Colonies, for the institution in Nigeria of a more thoroughly representative, a more efficient and a more popular Assembly than any that has hitherto existed.

While in England, I had the advantage of discussing with Mr. Churchill's principal colleagues, including the Parliamentary Under Secretary of State, Mr. Wood, the details of my scheme; but it was not until the 10th of February last that I received a despatch, dated the 16th of January, which notified me of the consent of the Secretary of State for the Colonies to the proposals which I had had the honour to make.

As I was leaving Lagos on the 11th February for a prolonged tour through the Northern Provinces, it was not possible to make any announcement whatever at that time; but I have taken this opportunity, as soon as possible after my return to Headquarters, to explain publicly, primarily to this Council which is a Body very intimately affected by the proposed alterations of the Constitution, and, through this Council, to the general public, and those who have taken an intelligent and active interest in the management of Nigerian affairs, the proposals which I submitted to the Secretary of State, and which he has now approved, while sending me the necessary documents in draft for final revision before they are submitted to His Majesty in Council for His Majesty's consent.

Under the new scheme, this Council, which I am addressing this afternoon, and the Nigerian Council will both disappear. The Legislative Council of the Colony has to-day so restricted a jurisdiction, and I should add so restricted an outlook upon public affairs, owing to the fact that it is only able to obtain a moiety of the information upon which reliable opinions can with a certainty be based before it records any decision, more especially in financial matters, that its practical utility, its authority and its prestige are correspondingly circumscribed. The Legislative Council will, I say, disappear and will be merged into the new Council which it is proposed shall be called the Council of Government.

all precedent, in order that as many officers as possible should be released for military service, at a time of immense moment and crisis to the whole Empire of which Nigeria forms but a minor part. And when the War was over, Sir Frederick's tenure of office had come to an end, and the time for considering the alterations in the original scheme of amalgamation had arrived at a moment when he was about to lay down the duties that he had borne so heroically and so arduously for so long. We are glad to remember that, on his retirement, as a fitting crown of reward for the strenuous labours on which he had been engaged for his King and Country all his life, he was awarded the singular honour of being called to His Majesty's Privy Council.

It fell to my lot, Honourable Members, to assume the Government of Nigeria in succession to Sir Frederick Lugard, and it fell to my lot also, as Governor of Nigeria, to scrutinise the machinery under which the Administration had up to that time been run, in the face of many serious handicaps, for a period of five years. And after examining the position as I found it with the most anxious care and under a heavy sense of my responsibility, I came to the conclusion that there were two principal lacks that rendered the machinery which I had inherited inadequate to perform the functions that were demanded of it.

The first of these was, in my opinion, the inadequate provision that was made for the co-ordination of the work of the various Departments of Government and, after considerable correspondence with Lord Milner, who was at that time His Majesty's Principal Secretary of State for the Colonies, and, after discussing the matter from many and various points of view, a new scheme was framed which took effect from the 1st of January, 1921. I have every reason to believe that under the able management of the Chief Secretary to the Government, Mr. Cameron, and of the two Lieutenant Governors, Lieutenant-Colonel Moorhouse and Mr. Gowers, that scheme has proved absolutely successful, and is at the present moment functioning in a manner which I, its principal deviser, could not hope to see excelled. There remained, however, the question of the proper representation of the various interests in Nigeria for which the amalgamation scheme had made certain provision, but provision which, in my opinion, was inadequate. For example the purview of this Council, which I have the honour of addressing to-day, is limited to the Colony which, as we all know, is an infinitesimal fraction of that huge entity which men call Nigeria.

Then there is the Nigerian Council. The Nigerian Council, as you are aware, has none save advisory powers. It is only called together at very rare intervals. It is a debating society in whose debates the rank and file of the members have shown a singular reluctance to join. It may be within your recollection that on the first occasion upon which it was my privilege to preside over a meeting of the Nigerian Council, the late Mr. Robert McNeill put forward a motion in which he said that he thought that it would be better if the Nigerian Council could be abolished, "unless it could be made a serious factor in the Government of the Colony and Protectorate."

Now, Honourable Members, during the major portion of my first tour of service as Governor of Nigeria, my time was mainly occupied in carrying out the routine work which, under the system I had inherited, was by no means a light task, and also in reconstructing the administrative and secretarial machinery, in order to relieve the Governor of much detail work, and at the same time to inaugurate a system whereby all public work throughout Nigeria would be properly co-ordinated, so that not only could the right hand

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 29th MARCH, 1922.

PRESENT :

- His Excellency the Governor and Commander-in-Chief, Sir Hugh Clifford, G.C.M.G.,  
 His Honour the Administrator, Lieutenant-Colonel H. C. Moorhouse, C.M.G., D.S.O., etc.,  
 The Honourable the Secretary, Southern Provinces and Colony, Lieutenant-Colonel F. Jenkins, C.M.G.,  
 The Honourable the Assistant Treasurer, C. W. Leese, Esq.,  
 The Honourable the Acting Commissioner of Lands, F. E. Knapp, Esq.,  
 The Honourable Mr. E. O. Moore,  
 The Honourable Mr. A. M. Harvey,  
 The Honourable Mr. S. Waring,  
 The Honourable Dr. O. Obasi,  
 The Honourable the Acting Attorney-General, M. L. Tew, Esq.,  
 The Honourable the Assistant Director of Medical Service, Dr. G. B. Norman.

MINUTES.

The Minutes of the Meeting of the Council held on the 9th January, 1922, as circulated to Members, were confirmed.

OATHS.

Lieutenant-Colonel Francis Jenkins, C.M.G., on appointment as the Secretary of the Southern Provinces and Colony, Mr. Alexander Morrison Harvey, on re-appointment as an Unofficial Member, and Dr. George Blake Norman, Assistant Director of Medical Service, on appointment as an Extraordinary Member, subscribed to the Oath of Allegiance and took their seats as Members of the Council.

His Excellency :—

Honourable Members of the Legislative Council:—Before we proceed with the business of the day, I propose, with your leave, to make to you an announcement which, in my judgment, is one of the most important that has hitherto been made in the history of Nigeria. It is realised by all of you, I think, that the scheme of amalgamation which was inaugurated in January, 1914, was, as Sir Frederick Lugard himself, in discussing it with me, described it, largely tentative and experimental; and all of us who are familiar with the distinguished career of Sir Frederick Lugard must have felt what a singular irony of fate attended the last years of his administration. Having been entrusted with, and having been specially selected to undertake the vastly difficult work of amalgamating the Northern with the Southern Provinces of Nigeria—a task the peculiar difficulty of which was enhanced by the great divergence of systems that had up to that time prevailed in the administration of these two groups of Provinces—having, I say, been entrusted with this very important, very vast and very difficult task, he was singularly unfortunate in that the inauguration of his scheme synchronised so nearly with the outbreak of the Great War for, during the five years that followed upon the amalgamation, Sir Frederick Lugard was handicapped in every possible direction, as the immediate result of the outbreak of the world-war. He had to see every Department—instead of being brought up to strength, as would have been the natural course, in order to give the scheme of amalgamation every chance of success—he had to see every Department depleted beyond



Clause 1 was read. On the motion of the Attorney-General, the year "1921" was altered to "1922."

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

Clauses 2 to 7 and the enacting clause were read and passed, so far as they related to the Colony.

Title settled: "An Ordinance to facilitate the Reciprocal Enforcement of Judgments obtained in Nigeria and in the United Kingdom and other parts of His Majesty's Dominions and Territories under His Majesty's Protection."

On the motion of His Honour, seconded by the Attorney-General, the Council resumed.

His Honour:—I move the third reading of the Bill entitled, "An Ordinance to facilitate the Reciprocal Enforcement of Judgments obtained in Nigeria and in the United Kingdom and other parts of His Majesty's Dominions and Territories under His Majesty's Protection," so far as the provisions thereof relate to the Colony.

The Attorney-General seconded.

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

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

Agreed to.

His Honour:—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 Attorney-General seconded.

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

His Honour:—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 reason for the amendment is as stated in the printed copy of the Bill. It is to remove a hardship entailed on holders of an Exclusive Prospecting Licence under the law as it now stands.

The Attorney-General seconded.

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

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

On the motion of His Honour, seconded by the Attorney-General, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

Clause 1 was read. On the motion of the Attorney-General, the year "1921" was altered to "1922."

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

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

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

On the motion of His Honour, seconded by the Attorney-General, the Council resumed.

His Honour:—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 Attorney-General seconded.

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

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 attendance here to-day, and declare the Council adjourned *sine die*.

The Attorney-General seconded.

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

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

Agreed to.

His Honour:—I move the first reading of a Bill entitled, "An Ordinance to amend the Maintenance Orders Ordinance, 1921," so far as the provisions thereof relate to the Colony.

The Attorney-General seconded.

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

His Honour:—I move the second reading of the Bill entitled, "An Ordinance to amend the Maintenance Orders Ordinance, 1921," so far as the provisions thereof relate to the Colony. The objects and reasons are explained, I think, sufficiently clearly in the printed copy of the Bill.

The Attorney-General seconded.

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

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

On the motion of His Honour, seconded by the Attorney-General, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

Clause 1 was read. On the motion of the Attorney-General, the year "1921" was altered to "1922."

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

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

Title settled: "An Ordinance to amend the Maintenance Orders Ordinance, 1921."

On the motion of His Honour, seconded by the Attorney-General, the Council resumed.

His Honour:—I move the third reading of the Bill entitled, "An Ordinance to amend the Maintenance Orders Ordinance, 1921," so far as the provisions thereof relate to the Colony.

The Attorney-General seconded.

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

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

Agreed to.

His Honour:—I move the first reading of a Bill entitled, "An Ordinance to facilitate the Reciprocal Enforcement of Judgments obtained in Nigeria and in the United Kingdom and other parts of His Majesty's Dominions and Territories under His Majesty's Protection," so far as the provisions thereof relate to the Colony.

The Attorney-General seconded.

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

His Honour:—I move the second reading of the Bill entitled, "An Ordinance to facilitate the Reciprocal Enforcement of Judgments obtained in Nigeria and in the United Kingdom and other parts of His Majesty's Dominions and Territories under His Majesty's Protection," so far as the provisions thereof relate to the Colony. The objects and reasons are so fully stated in the printed copy of the Bill that I have nothing further to add.

The Attorney-General seconded.

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

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

On the motion of His Honour, seconded by the Attorney-General, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

His Honour :—I move the second reading of the Bill entitled, "An Ordinance to amend the Former Enemy Aliens (Restriction on Immigration) Ordinance, 1919," so far as the provisions thereof relate to the Colony. The objects and reasons are stated sufficiently clearly, I think, in the printed copy of the Bill.

The Attorney-General seconded.

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

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

On the motion of His Honour, seconded by the Attorney-General, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

Clause 1 was read. On the motion of the Attorney-General, the year "1921" was altered to "1922."

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

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

Title settled: "An Ordinance to amend the Former Enemy Aliens (Restriction on Immigration) Ordinance, 1919."

On the motion of His Honour, seconded by the Attorney-General, the Council resumed.

His Honour :—I move the third reading of the Bill entitled, "An Ordinance to amend the Former Enemy Aliens (Restriction on Immigration) Ordinance, 1919," so far as the provisions thereof relate to the Colony.

The Attorney-General seconded.

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

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

Agreed to.

His Honour :—I move the first reading of a Bill entitled, "An Ordinance to amend the Customs Ordinance, 1916," so far as the provisions thereof relate to the Colony.

The Attorney-General seconded.

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

His Honour :—I move the second reading of the Bill entitled, "An Ordinance to amend the Customs Ordinance, 1916," so far as the provisions thereof relate to the Colony. As it stands at present, the law only requires the attestation of invoices prepared by principals consigning goods to their agents in Nigeria, and it seems an anomaly that large firms whose principals are wellknown and trustworthy should be required to swear to the accuracy of their documents when the invoice of any obscure dealer may be accepted without attestation.

The Attorney-General seconded.

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

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

On the motion of His Honour, seconded by the Attorney-General, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

Clause 1 was read. On the motion of the Attorney-General, the year "1921" was altered to "1922."

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

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

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

On the motion of His Honour, seconded by the Attorney-General, the Council resumed.

His Honour :—I move the third reading of the Bill entitled, "An Ordinance to amend the Customs Ordinance, 1916," so far as the provisions thereof relate to the Colony.

Clause 1 was read. On the motion of the Attorney-General, the year "1921" was altered to "1922."

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

Clauses 2 and 3 and the enacting clause were read and passed, so far as they related to the Colony.

Title settled: "An Ordinance to amend the General Loan and Inscribed Stock Ordinance, 1916."

On the motion of His Honour, seconded by the Attorney-General, the Council resumed.

His Honour:—I move the third reading of the Bill entitled, "An Ordinance to amend the General Loan and Inscribed Stock Ordinance, 1916," so far as the provisions thereof relate to the Colony.

The Attorney-General seconded.

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

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

Agreed to.

His Honour:—I move the second reading of the Bill entitled, "An Ordinance further to amend the Criminal Code Ordinance, 1916," so far as the provisions thereof relate to the Colony. There are three amendments proposed in this Bill. The first is merely to correct certain technical defects in section 18(8) of the Criminal Code—it gives no increased power. The second amendment to section 18(14) of the Code relates to the avoidance of the use of the term "recognised chief," in connexion with which this Council has already passed an Ordinance this afternoon, namely, the Interpretation (Amendment) Ordinance, 1922. The third is to legalize the use of a totalizator at race meetings subject to proper supervision, and does not, I think, require any further explanation.

The Attorney-General seconded.

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

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

On the motion of His Honour, seconded by the Attorney-General, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

Clause 1 was read. On the motion of the Attorney-General, the word "Further" was deleted and the year "1921" altered to "1922."

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

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

Title—On the motion of the Attorney-General, the word "further" was deleted.

Title settled as amended: "An Ordinance to amend the Criminal Code Ordinance, 1916."

On the motion of His Honour, seconded by the Attorney-General, the Council resumed.

His Honour:—I move the third reading of the Bill entitled, "An Ordinance to amend the Criminal Code Ordinance, 1916," so far as the provisions thereof relate to the Colony.

The Attorney-General seconded.

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

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

Agreed to.

His Honour:—I move the first reading of a Bill entitled, "An Ordinance to amend the Former Enemy Aliens (Restriction on Immigration) Ordinance, 1919," so far as the provisions thereof relate to the Colony.

The Attorney-General seconded.

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

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

Title settled: "An Ordinance to amend the Interpretation Ordinance, 1914."

On the motion of His Honour, seconded by the Attorney-General, the Council resumed.

His Honour:—I move the third reading of the Bill entitled, "An Ordinance to amend the Interpretation Ordinance, 1914," so far as the provisions thereof relate to the Colony.

The Attorney-General seconded.

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

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

Agreed to.

His Honour:—I move the second reading of the Bill entitled, "An Ordinance to amend the Prisons Ordinance, 1916," so far as the provisions thereof relate to the Colony. The reason for the amendment is as stated. It is not considered convenient or desirable that the Officer in medical charge of a prison should also have the disciplinary powers of a visitor, and this short amending Ordinance has been drafted to give effect to that.

The Attorney-General seconded.

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

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

On the motion of His Honour, seconded by the Attorney-General, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

Clause 1 was read. On the motion of the Attorney-General, the year "1921" was altered to "1922."

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

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

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

On the motion of His Honour, seconded by the Attorney-General, the Council resumed.

His Honour:—I move the third reading of the Bill entitled, "An Ordinance to amend the Prisons Ordinance, 1916," so far as the provisions thereof relate to the Colony.

The Attorney-General seconded.

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

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

Agreed to.

His Honour:—I move the second reading of the Bill entitled, "An Ordinance to amend the General Loan and Inscribed Stock Ordinance, 1916," so far as the provisions thereof relate to the Colony. Hitherto a sum has been named in sections 13 and 27 of the principal Ordinance. The sum was varied by an amending Ordinance No. 23 of 1919. The object of the present amendment is to allow greater latitude in determining the annual sum to be appropriated to the Sinking Fund. (In effect, it leaves it to the prospectus.) It has been found unnecessary that a fixed sum should be prescribed, as very often better terms could be obtained at home and it is inconvenient that, on each occasion, reference should have to be made to this Colony and a fresh Ordinance passed, varying the sum, while by the amendment proposed the sum could be varied without such reference.

The Attorney-General seconded.

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

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

On the motion of His Honour, seconded by the Attorney-General, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

" 2. Whether Government intends taking any action in the matter ? "

His Honour replied as follows :—

The reply to the first question is in the affirmative, and to the second in the negative.

As Honourable Members are aware, it is not in accordance with the well recognised rules of political controversy to make personal attacks against individual Government servants who from their position are precluded from replying. So long as the official concerned remains in the Government Service and enjoys the confidence of the Government, such attacks are in reality directed against the Government. I am glad of this opportunity of stating publicly that the Resident of the Colony has always enjoyed, and continues to enjoy, the full confidence of Government.

#### MOTIONS.

His Honour :—I move the following motion standing on the Agenda :—

" 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, Gentlemen, is to exempt from Customs duty any goods imported on behalf of Native Administrations and the Lagos Town Council. Hitherto it has been necessary to refer, in each case, to the Governor in Council, but if Honourable Members are prepared to accept this resolution, that formality will be done away with and the clearing of such goods through the Customs will be expedited?

The Assistant Treasurer seconded.

His Excellency :—Does any Honourable Member desire to address the Council on the subject of this motion ?

Motion put and carried. Order approved accordingly.

#### BILLS.

His Excellency :—There are a number of Bills that are on the Agenda to-day which, to the best of my belief, are of a non-contentious character. It is proposed, if Members of the Council approve, that we should suspend the Standing Rules and Orders in so far as is necessary to enable the Bills in question to be taken through all their stages at this meeting. If any Honourable Member present desires that any particular Bill should be read a first time only, effect will, of course, be given to his desire, but otherwise, if it be convenient to Honourable Members, it is proposed to take the Bills through all their stages to-day so as to obviate the necessity of a further meeting in connexion with them. In the absence of any objection to the course proposed, perhaps His Honour would move the suspension of the Standing Rules and Orders to enable the proposal to be carried out.

His Honour :—I move that the Standing Rules and Orders of the Council be suspended to the extent necessary to deal with the various Bills appearing on the Agenda as non-contentious ones.

The Assistant Treasurer seconded.

His Excellency :—Does any Honourable Member desire to make any remarks as to the course proposed ?

Motion put and carried. Standing Rules and Orders suspended accordingly.

His Honour :—I move the second reading of the Bill entitled " An Ordinance to amend the Interpretation Ordinance, 1914," so far as the provisions thereof relate to the Colony. I think the objects and reasons are sufficiently clearly stated on the printed copy of the Bill and require no enlargement from me.

The Attorney-General seconded.

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

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

On the motion of His Honour, seconded by the Attorney-General, the Council resolved itself into Committee and proceeded to the consideration and discussion of the Bill, clause by clause.

Clause 1 was read. On the motion of the Attorney-General, the year " 1921 " was altered to " 1922."

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