

Debates in the Legislative Council of Nigeria

Monday, 15th March, 1943

Pursuant to notice the Honourable the Members of the
Legislative Council met in the Council Chamber, Lagos,
at 10 a.m. on Monday, the 15th of March, 1943

PRESENT

OFFICIALS

- The Governor,
His Excellency Sir Bernard Bourdillon, G.C.M.G., K.B.E.
- The Chief Secretary to the Government,
The Honourable A. W. G. H. Grantham, C.M.G.
- The Chief Commissioner, Northern Provinces,
His Honour Sir Theodore Adams, Kt., C.M.G.
- The Chief Commissioner, Western Provinces,
His Honour G. C. Whiteley, C.M.G.
- The Chief Commissioner, Eastern Provinces,
His Honour G. G. Shute, C.M.G.
- The Attorney-General,
The Honourable H. C. F. Cox, K.C.
- The Acting Financial Secretary,
The Honourable C. Watts.
- The Director of Medical Services,
Dr the Honourable J. W. P. Harkness, C.M.G., O.B.E.
- The Acting Director of Education,
The Honourable C. R. Butler, O.B.E.
- The Director of Marine,
Commander the Honourable A. V. P. Ivey, C.B.E., R.D.,
R.N.R.
- The Comptroller of Customs and Excise,
The Honourable A. E. V. Barton, C.B.E.
- The Deputy Chief Secretary,
The Honourable T. Hoskyns-Abrahall, C.M.G.
- The Senior Resident, Oyo Province,
The Honourable H. F. M. White, C.M.G.
- The Resident, Onitsha Province,
The Honourable D. P. J. O'Connor, M.C.
- The General Manager, Nigerian Railway,
The Honourable C. E. Rooke.
- The Director of Public Works,
The Honourable S. J. W. Gooch.
- The Director of Agriculture,
Captain the Honourable J. R. Mackie, C.M.G.
- The Honourable W. C. C. King,
Commissioner of Police (Extraordinary Member).

- The Honourable G. L. Howe,
Solicitor-General (Extraordinary Member).
The Honourable E. C. Crewe,
Postmaster-General (Extraordinary Member).
The Honourable E. A. Miller,
Commissioner of Labour (Extraordinary Member).
The Honourable G. B. Williams, M.C.
Commissioner of the Colony (Extraordinary Member).

ABSENT

- The Senior Resident, Plateau Province,
The Honourable E. S. Pembleton, C.M.G.
The Senior Resident, Kano Province,
The Honourable J. R. Patterson, C.M.G.
The Senior Resident, Sokoto Province,
Comdr. the Honourable J. H. Carrow, D.S.C., R.N.
(rtd.)
The Resident, Benue Province,
The Honourable D. M. H. Beck, M.C.
The Resident, Katsina Province,
The Honourable R. L. Payne.
The Resident, Zaria Province,
The Honourable F. M. Noad.
The Resident, Calabar Province,
Major the Honourable H. P. James.
The Resident, Ondo Province,
Major the Honourable J. Wann.

UNOFFICIAL MEMBERS

- The Member for the Ibo Division,
The Honourable B. O.-E. Amobi.
The Member for the Rivers Division,
The Honourable S. B. Rhodes, C.B.E.
The Member for Calabar,
The Rev. and Honourable O. Efiang.
The Member for the Ibibio Division,
The Honourable N. Essien.
The Member for the Ijebu Division,
Dr the Honourable N. T. Olusoga.
The First Lagos Member,
The Honourable H. S. A. Thomas.
The Mining Member,
Lt.-Colonel the Honourable H. H. W. Boyes, M.C.
The Commercial Member for Kano,
The Honourable W. T. G. Gates.
The Second Lagos Member,
The Honourable Jibril Martin.
The Commercial Member for Lagos,
The Honourable J. F. Winter.
The Third Lagos Member,
The Honourable Ernest Ikoli.
The Member for Shipping,
The Honourable G. H. Avezathe.
The Member for the Colony Division,
The Rev. and Honourable T. A. J. Ogunbiyi.

- The Member for the Egba Division,
The Honourable Olaseni Moore.
- The Member for the Cameroons Division,
The Honourable J. Manga Williams.
- The Commercial Member for Calabar,
The Honourable W. V. Wootton.
- The Member for the Ondo Division,
The Rev. and Honourable Cannon L. A. Lennon, M.B.E.
- The Commercial Member for Port Harcourt (Provisional),
The Honourable John Crawford.
- The Banking Member (Provisional),
The Honourable K. M. Oliver, M.C.

ABSENT

- The Member for the Warri Division—(Vacant).
- The Member for the Oyo Division—(Vacant).

PRAYERS

His Excellency the Governor opened the proceedings of the Council with prayers.

ADDRESS BY HIS EXCELLENCY THE GOVERNOR.

HONOURABLE MEMBERS,

As you are aware, my term of office, a longer term than that of any of my predecessors, expires next December. I have received the permission of the Secretary of State to proceed on leave preparatory to retirement shortly before that month. This is therefore the last time that I shall have the honour of presiding over a budget meeting of this council. As, however, we shall presumably have another ordinary meeting before I leave Nigeria, I do not propose to make this the occasion of any valedictory remarks.

Since our last meeting we have lost an exceedingly valuable asset in the shape of Mr. Lockhart, whose forcible character and clear judgment made a very great impression on all who came in contact with him. His successor as Financial Secretary, Mr. Farquhar, served under me in Ceylon, and has since then earned a great reputation for himself both in Sierra Leone and the Gold Coast. You will I am sure join with me in according him a hearty welcome. We are also, unfortunately, about to lose two of our Chief Commissioners. Sir Theodore Adams retires in the very near future. He has, among other achievements, done very good work in bringing the Northern Provinces Chiefs into closer contact with each other, and has broadened their outlook considerably by the institution, with my approval, of an informal Advisory Committee, to which legislation affecting the Northern Provinces is shown before it is introduced into this Council. This Committee has shown sound common sense, and its advice has been of great value to me. I feel confident that it will be a very useful stepping-stone to definite constitutional changes which must come in the near future. Neither the Government nor the Chiefs and people of the Northern Provinces can be content for much longer with a state of affairs in which the only body which deals with legislation and Government finance contains no unofficial representation of the natives of the Northern Provinces. Sir Theodore will be succeeded by Mr. Patterson, who has acted for him more than once with conspicuous success. Mr. Shute also wishes to retire at the end of his forthcoming leave, and I have, albeit with great reluctance, obtained the consent of the Secretary of State that he should do so. Mr. Shute's long experience of the very difficult problems of Native Administration, in the

Eastern Provinces, and his sympathy with and understanding of the Eastern tribes have made him in every way a worthy successor to Sir William Hunt, and I know that you will all share my regret at his forthcoming departure.

We have suffered a very sad loss by the death just over three months ago, of Canon Adeyemi, of whose wise judgment and sound common sense we had had the benefit for all too short a time. We extend a hearty welcome to his successor, Canon Lennon. I would ask you to join with me in showing our sympathy to the relatives of Canon Adeyemi by rising and standing for a moment in silence.

Since our last budget meeting there has been another change at the Colonial Office, the third during the War. I am sure that Honourable Members will agree with me that we have a right to expect greater continuity than this in the very important office of His Majesty's Principal Secretary of State for the Colonies, and it was with considerable relief that I read the other day Colonel Oliver Stanley's statement that he hoped he would be allowed to continue in office for a long time. I am sure that I am expressing your views when I say that we all share that hope.

The appointment of Lord Swinton as Resident Minister in West Africa has relieved me of a very considerable volume of work which fell to my lot as Chairman of the West African Governor's Conference, a post that is now in abeyance, and I have consequently been able to resume my tours of inspection, which I had had to abandon since the beginning of the war. I have been able, since my return from leave last July, to visit seventeen out of the twenty-three Provinces of Nigeria, and shall refer, in the course of this address, to some of the impressions which I have gathered during those tours.

The appointment of unofficial members to my Executive Council represents a political step of considerably greater importance than has been generally realised, for it means that unofficials, both European and African, will in future have a say in the initial shaping of Government policy. At the moment, when large schemes for development are mostly held up by the war, the Executive Council has a good deal less work than in normal times, but when we get back to normal I am confident that the beneficial effects of this change will not be long in making themselves apparent. The two first African Executive Councillors have both had a long apprenticeship in the Legislative Council, which has added to their knowledge of the country and the people a valuable familiarity with the workings of the Governmental machine. You will, I am sure, wish to join with me in congratulating one of them, Mr Rhodes, on the award to him of a C.B.E. Another recipient of that honour is the Shehu of Bornu, who has earned it by long service, first as Shehu of Dikwa and then in his present capacity. The award of the C.M.G. to the Oni of Ife was particularly gratifying. Ever since his accession to this important Chieftainship he has displayed a sound commonsense and statesmanlike ability which have made him not only a good administrator but a very valuable adviser to the Chief Commissioner in Yoruba matters.

It is my usual practice to open my address on the Budget with a reference to the actual out-turn of the previous financial year and to compare that result with the estimates made before its close. But these details were dealt with last September and in view of the decisions taken by Council at that meeting, involving as they did radical alterations in the Estimates for the current year, I propose, to-day, to relate my opening remarks to the figures which I gave on that occasion.

The main points governing the proposals which Council accepted were that provision for arrears of Cola and for additions to reserve funds—a

total of some £981,000—should be met from the surplus balance on the year 1941-42 while additional taxation estimated to produce some £300,000, would, together with certain revenue increases and expenditure savings on the 1942-43 Estimates, enable us to balance our budget in the present year. It will be observed that these proposals envisaged a draft of £981,000 on the surplus balance at 31st March, 1942. In actual fact we have done very much better than I anticipated for the estimated deficit of £676,000 for 1942-43 shown in the draft Estimates embraces the Cola and Reserve payments to which I have referred. We therefore anticipate a true surplus of £306,000 on the current year and the draft on surplus balances, originally estimated at £981,000 is correspondingly reduced.

The situation is the more satisfactory in that very heavy supplementary expenditure has been incurred during the last six months. In the main this has been due to inevitable increases due to Civil Defence and war conditions generally. We are fortunate in that the revenue has remained buoyant and is expected to yield £500,000 more than was anticipated last September. Turning to the Budget for the coming year I may observe at once that it will be apparent from what I have already said that little purpose would be served by any comparison with the original estimates for 1942-43. The memorandum by the Acting Financial Secretary which accompanies the draft Estimates for 1943-44 sets out the principles on which the estimates have been framed and, where necessary, gives detailed explanations. I shall therefore confine myself to the broad outlines of our financial prospects.

The preparation of a budget at a time when the main source of the revenue, the import duties, is dependent on considerations of the high economic strategy of the United Nations, conditioned, as they must be, by the unpredictable changes and fluctuations of the war, must obviously be fraught with doubt and uncertainty. Estimates of expenditure are equally at the mercy of circumstance, though of them it can be predicted with some confidence that any changes will be in an upward direction.

My satisfaction, then, in a budget showing the not inconsiderable surplus of nearly £300,000 is tempered by the knowledge that this fair prospect may be blighted by some sudden and unexpected twist of economic fate. I can, however, assure Honourable Members that the calculations on which the prediction of this favourable outcome are based owe nothing to optimism but reflect no more than a prudent appreciation of the facts and figures, based on the known demand for our products and approved quotas of imports at the disposal of my advisers. Full allowance has been made for such unfavourable factors as can be discerned and no credit has been taken for potential developments which may serve our advantage.

Revenue is up by over £1,800,000: of this increase Customs and Excise provide £1,448,000 which figure reflects the yield for a full year of the increased duties on Cotton Piece Goods and Cigarettes imposed last year and some increase in our import quotas of consumer goods. Income Tax accounts for a further £225,000 due to the maintenance of trade at a satisfactory level and to the smooth working of the Inland Revenue Department's collecting machinery.

The increase in expenditure is over £1,500,000. Cola, estimated to cost £689,000, accounts for almost half the bill. Provision has been made for £250,000 for the Native Administrations and £80,000 for Mission Teachers. The restitution of the Marine Renewals Fund contribution to its proper figure of £70,000 is a satisfactory feature and represents an additional charge of £60,000. As is explained in the memorandum on the

Estimates the remaining increases are due to essential increases in personnel, a continuation of the policy of improving the conditions of service of Government employees, increases in freight and transport costs and a general and steep rise in the prices of such materials as it is still essential to import.

The financial position of the Railway is explained in the General Manager's memorandum on the draft estimates and is eminently satisfactory.

The traffic figures for the current year, despite a bad groundnut crop, exceed materially the high level attained last year. In fact the Railway, operating to capacity, has had to turn away business. As a result of the heavy volume of traffic the anticipated surplus on the current year's working has been revised from £261,000 to £806,000, while a surplus of £547,000 is expected in 1943-44. These figures take into account the remission of £200,000 interest charges on capital spent on uneconomic sections of the line. The attainment of these results involves, of course, a very heavy material strain on the system, locomotives and wagons. In present conditions it is possible to obtain only the most essential materials for maintenance and, in consequence, the post-war bill for renewals will be a heavy one. This point has been represented to the Secretary of State who approved last November the restitution of the standard freight rate of £4 per ton on groundnuts and the imposition of a ten per cent war surcharge on a wide range of commodities from which were excluded, however, foodstuffs, coal, palm oil, cocoa and certain other products. The yield from these increases is estimated at £150,000 in a full year.

In order to meet our heavy post-war commitments the contributions to the Renewals Fund, reduced to £300,000 from 1st April, 1939, are being restored, with retrospective effect, to the £430,000 recommended at the last quinquennial valuation. The sum thus restored amounts to £520,000 and the full renewals provision is made in the 1943-44 Estimates. The next step in the rehabilitation of the Railways finances will be the resuscitation of a Reserve Fund of £500,000 and I am confident that the disposable surplus at the close of the current year will enable a substantial first contribution to be made.

I am well aware of the heavy strain under which the General Manager and his staff have been working. Mr Rooke came out to take over charge at a very difficult moment. His courage and determination met with a ready response from a staff many of whom had good reason to feel somewhat disheartened, and I am glad of this opportunity to pay tribute to the energy, enthusiasm and success with which the Railway staff have tackled a tremendous task. Nigeria's war effort depends in great measure upon the efficient running of the railway and those who have contributed to that efficiency can be satisfied that they have been doing war work of the highest value.

And now I should like to speak to you about Nigeria's contribution to the war effort in Money, Men, and Materials. As regards money, in addition to the Government's contribution of £100,000, the people of Nigeria have contributed, up to the end of 1942, a sum of £558,000, made up of £237,000 subscribed to various war funds, about £24,000 lent to His Majesty's Government free of interest, and £297,000 representing the sale of Nigerian Savings Certificates less repayments. In addition to this the prompt payment of tax has been urged as a real contribution to the war effort, and the really remarkable response is a great credit both to the people themselves and to the Native Authorities responsible for collecting the tax.

As regards men, all that the need for secrecy will allow me to tell you is that the response to the call for recruits has been thoroughly satisfactory. In this connection I should like you to know that the problem of finding

satisfactory employment for demobilised soldiers after the war, a very grave and difficult problem, is already occupying the attention of the Government. A committee presided over by the Deputy Chief Secretary, with a Military member, the Director of Agriculture, the Commissioner of Labour and two unofficals from this house as members, with power to co-opt other members, has been formed to consider the problem at the centre. During my recent tour I have been impressing upon the Native Authorities in the Northern Provinces the necessity that each Province should, in so far as possible, look after its own people.

It is, however, in respect of our material contribution that I have most to tell you.

In his Budget speech last March, Sir Alan Burns drew the attention of Honourable Members to the fact that the Secretary of State has asked for maximum production of our main export crops. In addition we were also asked by the Military Authorities for considerable quantities of foodstuffs for feeding our troops both in Nigeria and in the other West African Colonies by the Government of the Gambia for foodstuffs for the civil population, and by the Mines to feed their greatly increased labour force. As we also had to grow enough food for the needs of the civil population of Nigeria we were faced with a very big production programme and production had to be definitely planned. It was therefore unfortunate that the 1942 wet season in the Northern Provinces, which followed a series of three unusually dry years, should itself have been a year of exceptionally low rainfall. Fortunately the rainfall was sufficiently well distributed to ensure satisfactory yields of grain in most areas but there were times when the situation caused the Government considerable anxiety. The groundnut crop suffered severely and exports instead of being a record as we hoped will probably not exceed 120,000 tons. Our average export for the previous twelve years was 188,000 tons.

In the Southern Provinces the rainfall was also light and in parts of the Western Provinces the late maize crop was almost a complete failure, but the production of local foodstuffs generally has so far been adequate to meet all requirements and almost every part of the country has played its part. In this connection an interesting feature of the internal trade of the country is the steady development of the gari and fruit industries in the Eastern Provinces. During 1942 railings of gari from the Eastern Provinces to the North amounted to 21,000 tons as compared with 6,000 tons in 1941. Similarly the railings of oranges increased from 1,232 tons to 1,643 tons. It is true that there have at times been temporary local shortages in certain places or areas but these have generally been caused by faulty distribution or causes beyond the control of the Government.

Some idea of the quantities involved and of the way in which production has increased may be gained from the following figures. Purchases for the army, mines, Gambia, etc. in 1942 were approximately 4,200 tons maize, 7,000 tons millet, 10,000 tons guinea corn, 2,300 tons rice, 800 tons gari and 11,000 tons yams. In order that these purchases may be properly controlled and organised the Government recently set up a purchasing organization under a Chief Supply Officer.

I wish to take this opportunity of thanking all those public spirited people who have made free gifts of Agricultural produce to His Majesty's forces. These gifts are very greatly appreciated and are a genuine contribution to the War effort.

The production of palma oil and kernels was maintained at a high level but it was not a record and we must do better still this year. In 1942 calendar year the gradings of palm kernels amounted to 336,000 tons. This

was better than any previous year except 1936 when gradings were 351,000 tons. Gradings of palm oil in 1942 amounted to 152,000 tons, but even this high figure was surpassed in 1940 when 154,000 tons were graded. Our exports of benniseed for the seasonal year ending 31st September, 1942, amounted to 17,900 tons as compared with 13,000 tons in 1940-41 and 11,200 tons in 1939-40. The 1941-42 cotton crop in the Northern Provinces amounted to only 21,000 bales but there was a record crop of 14,000 bales in the Western Provinces.

The cocoa crop has again been purchased by His Majesty's Government but owing to shipping difficulties some 34,795 tons have unfortunately had to be destroyed.

Every possible effort has been and still is being made to increase the production of rice. In a recent despatch the Secretary of State wrote that "He was impressed with the results obtained and that he felt that it would be of advantage if in the post war period rice production could be maintained as a permanent feature of the economy of West Africa." It is hoped that we shall shortly have a visit from an experienced Irrigation Officer who is at present in Sierra Leone to advise as to the possibilities of expanding our rice production by schemes involving water control. One of the newly appointed Production Officers has recently been posted to the Eastern Provinces to see if rice production can be started in the Cross River area.

The expansion of the rice industry raises the question of whether or not machinery for the hulling and preparation of rice will be required and if so the right type of machinery. These are difficult problems but they are being tackled as rapidly and as thoroughly as possible.

There has been steady progress in our attempt to make Nigeria as far as possible self-supporting in commodities which were previously imported. I do not wish to weary you with too many figures. I will merely draw your attention to a few of the salient facts. The railings of potatoes southwards from Zaria and Plateau Provinces rose from 571 tons in 1941 to 870 tons in 1942. The piggeries of the Agricultural and Veterinary Departments supplied 696 pigs for bacon production to the Cold Store during 1942 and in addition 24,000 lb of bacon were produced by the Veterinary Department. Pig production is now increasing rapidly. Butter production at Vom rose to the high figure of 324,442 lb for 1942 and the Kano dairy also produced 60,070 lb in 1942. The Vom and Jos dairies produced 13,000 lb of cheese, and a large cheese factory now in erection at Pankshin will, it is hoped, produce some 150,000 lb in the coming year. During the 1941-42 season, 232 tons of brown sugar were supplied to the army. A consignment of 100 new crushers arrived in Nigeria a few months ago and these have all been distributed so that a considerable increase in the production of brown sugar is anticipated this year. This locally produced sugar was supplemented by the purchase of some ten tons of honey in the Zaria and Niger Provinces. Vegetable production has been greatly increased. The Agege garden alone produced 88,000 lb of vegetables in 1942, while the quantity of vegetables railed Southwards from Kano increased from fifty-six tons in 1941 to 251 tons in 1942. Large vegetable gardens are now established at all stations where there is any number of troops and every effort is being made to encourage the production of vegetables by Africans. The Blaize Memorial Institute increased its production of fruit drinks from 13,000 bottles in 1941 to 77,000 bottles in 1942 while at the same time jam and marmalade production rose from 17,000 lb to 108,000 lb. Owing to unfavourable conditions wheat production was disappointing. We were able to purchase only 250 tons in 1942 as compared with 413 tons in 1941. Experiments with wheat grown as a wet season crop which have been carried out at Bamenda have however

given such promising results that there is every hope that production in this area can be developed.

The Lagos, Ibadan and Kano dairies have been entirely successful. The Kano dairy supplied 111,661 bottles of milk during the year and there is an increasing demand for milk from African consumers. The expansion of the Lagos dairy had to be postponed temporarily to enable a dairy to be started for the benefit of the troops at Ibadan. Further expansion is at present limited by the supply of suitable cows but the necessary herds are being built up as rapidly as possible in the Northern Provinces.

Steady progress has been made with the development of such industries as twine and rope making, tin ore bags and raphia sacks. Approximately 29,000,000 yards of cotton twine were supplied to the army for camouflage nets. These were made up by the fishermen at Apese Beach.

We have been assisted in our production programme by the Cameroons Plantations. In 1942, they produced as well as palm oil, palm kernels, 1,160 tons of rubber, 250 tons of paddy and seventy tons of potatoes and 4,812 lb of butter. They are preparing for a very large increase in rice production next season and have planted a large area of castor.

Interest in Nigerian industries and produce have been greatly stimulated by the opening of the Chief Marketing Officer's showroom at Lagos and in many instances it has been impossible to meet all the orders which have been received especially for such articles as basket chairs and mats.

The Chief Marketing Officer continues to concentrate his attention on the problems of internal and intercolonial trade and he is making a careful survey of the internal trade of this country. The aim of the Government is to ensure that not only is there a market somewhere for everything which the African farmer can produce, but that the producer can be brought into contact with that market and shall receive his fair share of the price which is paid by the consumer. We must first of all ensure that a market does in fact exist, and then we must tackle seriously the better organisation of markets.

The officer in charge of fisheries has completed a careful survey of the coastal and lagoon fishing industries and has submitted his report. The further development of this work is now under consideration.

I wish at this stage to repeat a statement which I make to Honourable Members in my 1941 Budget speech namely that our production schemes are not merely war time emergency measures. They have been planned to fit into the general policy of Agricultural development so that they may have a permanent value. I stress this point because I know that in Nigeria as in other countries people are beginning to talk of post-war re-construction. But re-construction from the development point of view is going on *now*; and all our schemes are planned with an eye to the future.

In spite of the war much investigational work is still proceeding, and the difficulties and problems which are likely to crop up are by no means being overlooked. We fully realise that when our troops return from the war and are demobilized from the army special schemes may be required to provide them with work and wages. Such schemes are being planned now.

In the Forest Department, 1942 has been a year of intense effort to produce essential products, particularly timber, poles and wild rubber, but many other minor forest products have been in demand.

In April last the Forest Department organized pit-sawn timber production at various centres throughout the country to supply the Public Works Department, mainly for Military requirements, particularly in the Northern and Eastern Provinces, where supplies of timber were very inadequate. Production in the North was carried out in the Kurmi areas

of Minna, Zaria and Kafanchan. Benue Province already had a highly successful Native Administration organization for the production of pit-sawn timber production. Over 60,000 cubic feet of timber was produced and much information about these Kurmi forests has been obtained; it has been shown that there are very considerable supplies of timber in these small northern forests which, with a suitable organization and without detriment to these areas, can be made available for northern requirements. A considerable increase in Native Administration revenue resulted from these developments. The figure of 60,000 cubic feet quoted above is exclusive of the timber produced under the Idoma and Lafia Native Administration schemes, which amounted to over 50,000 and over 93,000 cubic feet respectively. The total volume of timber produced in Northern Provinces was therefore over 204,000 cubic feet.

In the Eastern Provinces timber production operations were on a large scale. The Western Provinces, already reasonably well supplied with native pit-sawn timber, have obtained considerable extra quantities from Departmental pit-sawing schemes worked in conjunction with the small Forest Research Yard Sawmill, which, turned completely to production, produced about 35,000 cubic feet during the year, mainly shingles and weather-boarding.

The Pilot Sawmill in Akure Reserve was officially opened in August and, although not fully completed, has been producing timber in some quantity, mainly for military use. The opening of this mill marks a most important development in forest utilization in Nigeria.

In response to military demands for roofing material the production of hand riven shingles was undertaken to supplement sawn shingles and roofing boards. Enormous quantities of poles were urgently required for various purposes and the forest plantations have been invaluable in supplying these needs, as well as greatly increased fuel requirements.

The Wild Rubber production drive has been another major activity of the Forest Department and results have been most successful. Prior to the development of the plantation rubber industry, West and Central Africa were important sources of rubber. Some 3,000 tons were produced in Nigeria in the peak year, 1896, but vast numbers of rubber-yielding trees and vines were destroyed at that time and large areas of forest have since then been turned to farm-land. 2,000 tons were regarded as a possible target for 1942-43, but the propaganda campaign rapidly took effect. Production has been particularly good in the Western Provinces and in Kabba and Benue Provinces, and about 2,000 tons have been produced in the period April to December, 1942. Of this over 600 tons came from the Northern Provinces. It is hoped that over 3,000 tons of wild rubber will be produced in 1943. The total export of plantation and wild rubber in 1942 was the record figure of 6,649 tons.

Nearly 100 tons of Wild Silk have been purchased in the Northern Provinces and recent production in Owerri has been encouraging. It is hoped that the Cameroons will also prove to be an important source of supply.

As a result of extensive propaganda in the past, production of Gum arabic is well established as a village industry in the Bornu Province and rather more than 600 tons have been purchased during the past year.

Considerable quantities of clarified honey and beeswax have been produced, mainly in Zaria and Niger Provinces, as a joint enterprise of the Forest and Agricultural Departments. Niger Gutta and Kapok are other forest products that have been in some demand and preparations are being made to harvest a large amount of Kapok this year should it be required.

In connection with our produce drive I should like to mention one most useful commercial venture, namely the United Africa Company's biltong factory at Kano, which I inspected during my recent tour. This factory, with no other drying apparatus than that with which a beneficent Providence has provided Kano during most months of the year, is turning out strips of dried meat, salted and peppered, which will remain good, even in the climate from which you and I are suffering at the moment, for at least three months. The biltong is produced under thoroughly hygienic conditions, not a single fly being visible, and is, as I can vouch from personal experience, a most palatable product even in its raw state. At the present moment the considerable amount being turned out is all absorbed by the Army and the Royal Air Force. One railway van can carry an amount of biltong that represents forty truck loads of cattle. I am sure that this product will find a ready sale as soon as it becomes available to the public, and will form a highly beneficial addition to the diet of those who now find it difficult to obtain fresh meat. In this connection I should like Honourable Members to know that I obtained plentiful and unshakeable evidence during my recent tour that the standard of nutrition in the Northern Provinces has risen appreciably during the war, the people in general having taken to a much varied diet. I had always hoped that the larger amount of money going into the hands of the primary producer, coupled with the smaller amount of imported goods available to him, would result in an improvement in the standard of living. It is very gratifying to know that this result has been achieved in the greater part of the Northern Provinces at any rate.

In regard to Education the best that can be said is that everything possible has been done to mitigate the effects of the occupation of certain educational buildings by the Military. The Secretary of State is watching the situation himself with great anxiety, and the Resident Minister sends him regular reports. I hope that it will soon be possible for the Government College at Umuahia to open again. The transfer of the majority of the Yaba Higher College classes to Achimota was a most unfortunate necessity, but the transfer was accomplished very efficiently, with the minimum possible dislocation of studies. A ten year plan of Educational Development, prepared by the Director in full consultation with the Boards of Education, has been submitted to the Secretary of State with a request for very extensive assistance from the Colonial Development and Welfare Fund. The main features of the scheme are :—

- (a) Improvement of the terms of service of non-government teachers, and the institution of a Provident Fund scheme for them.
- (b) The expansion of facilities for training teachers.
- (c) The provision of additional secondary schools for both boys and girls.
- (d) A large expansion of primary education.
- (e) A Domestic Science College for Women.
- (f) Technical training centres in the larger towns.

The Director of Education has gone to England to discuss the scheme with the Colonial Office.

The Forestry School which I opened at Ibadan in May 1941 is now working in full swing, and a month or so ago I laid the foundation stone of the new Veterinary school at Vom, which will produce both Assistant Veterinary Officers and Veterinary Assistants.

The Government has provided a first-class school, under the aegis of the Marine Department, for the teaching of Mechanical Engineering. The syllabus is that of the British Board of Trade, entry is free, and what is a

substantial salary for an apprentice is paid. Students wishing to get similar training in England would have to pay a premium of at least £100 and would get a lower subsistence allowance than the Nigerian apprentice gets. I regret to say that a number of the students appear to find the work irksome and wish to have a syllabus of their own choosing. If this attitude continues it will be necessary to give serious consideration to the future of this school.

While on the subject of Education I should like to take this opportunity to remove a misapprehension that has evidently been causing the public some uneasiness. I refer, of course, to the restrictions on Nigerian students going to England. Now the Government I am afraid must take full blame for the misunderstanding which has arisen, for its announcement in the Press contained a phrase which could reasonably have been interpreted, as in fact it has been interpreted, to mean that these restrictions were not entirely due to war conditions and might be continued after the war. That this was not the case was clearly explained by the Honourable Chief Secretary to the deputation which came to see him, but unfortunately that deputation did not make this clear to the public. I should like to make it quite clear that these restrictions are solely due to war conditions, the over-riding consideration being, of course, the shortage of passages. So soon as those conditions due to the war cease to exist, those restrictions will be removed.

In connection with the Medical Department I should like to say a few words about Leprosy and Sleeping Sickness. During a tour of the Eastern Provinces I visited the Leper Settlements at Uzuakoli and Oji River. To say that I was impressed with the work being done would be a gross understatement. The settlements are fortunate in that the people of the Owerri and Onitsha provinces have a hearty fear of the disease, and consequently they and the Native Administrations are giving a full measure of co-operation. Although these two institutions are treating many thousands of lepers there is an urgent need for expansion if the disease is to be stamped out altogether—an ideal by no means impossible of attainment. I have directed the Director of Medical Services to draw up schemes for expansion here and elsewhere, and propose to ask for a substantial grant from the Colonial Development and Welfare Fund.

Three weeks ago I visited the Sleeping Sickness Settlement at Anchau. A corridor between two rivers, where the 70,000 inhabitants had an infection rate of between thirty and forty per cent was selected for this experiment. The general idea was to select an area down the middle of the corridor in which absolute extermination of tsetse is possible, and to move the population into this area, settling them in model villages with plenty of land and encouraging various industries and modern methods of agriculture. In spite of the fact that the staff selected for the work has been enormously reduced by the war the experiment is proving an unqualified success. The incidence of sleeping sickness has been reduced to under one per cent, and guinea worm, which was rampant, has been practically wiped out by the provision of proper wells. The villages are models of space and cleanliness and the people happy and prosperous. This settlement will be a most valuable field for experiments in rural welfare, and should teach us many useful lessons for application elsewhere.

I cannot let this occasion pass without a special word of praise for the Public Works Department. To tell you all that they have done would be to give away many military secrets, but the total volume of work which they have done for the military and the Royal Air Force is colossal, and the word "impossible" has been resolutely excluded from their vocabulary. They have earned the admiration and gratitude of the Resident Minister, the Army

and the Royal Air Force, from all of whom I have received almost extravagant expressions of their appreciation.

The Police Department seldom get much of a mention on this occasion, chiefly, I think, because they have a habit of getting on with the job and not saying much about it, but I should like to express to them the very warm thanks of the Government for their behaviour during the epidemic of hysteria which appeared in some parts of the country just before I came back from leave. They were the only branch of the Government service in which every man and every clerk had the good sense to accept the interim award of Cost of Living Allowance in the spirit in which it was offered, and their attitude throughout the whole dispute was exemplary.

Another Department which deserves a mention which it seldom gets is the Audit Department. The increase in the volume of work of the various Government Departments, in particular the Accountant-General, Customs, Public Works, Inland Revenue and Stores; of the Nigerian Railway and of the Native Administrations, Northern Provinces, has considerably increased the work of the Audit Department. In addition, the Audit Department has had to undertake the additional audits of the Command Paymaster, Nigeria Area, all Military Works, and Military Stores at Base Installations, and the Custodian of Enemy Property audits, which from the financial standpoint approximates to no less than sixty one million pounds. Many hours of overtime have been worked by the staff and freely given as part of the officers' contribution to the War Effort.

During the past year the growing importance and complexity of labour affairs has led to the replacement of the old Labour Inspectorate by a separate Labour Department. The new department began its separate existence on the 1st of October, 1942, under the charge of Mr E. A. Miller as Commissioner of Labour. I had previously asked the Secretary of State if it would be possible to appoint an expert in labour affairs from the United Kingdom to assume control of the new department for a few years, but unfortunately a suitable man could not be spared. However the Secretary of State has now yielded to further representations, and has agreed to the secondment for a period not exceeding a year of Mr F. Hampton, who during the past eighteen months has acted as Regional Industrial Relations Officer for the North Midlands Area of the United Kingdom. Mr Hampton has arrived in Nigeria to take up his post as Industrial Advisor, and his expert advice should be of great assistance to the new department for as long as his services are available. The other members of the Labour Department have been appointed locally. They include two African Assistant Labour Officers-in-training and provision has been made for five similar appointments next year.

There has been no serious shortage of labour, other than skilled labour, during the year, but the supply and distribution of labour has had to be kept constantly under review. To divert labour into the various kinds of employment in which it is most urgently needed and to ensure that there is no slackening of effort in essential work, Government has assumed very wide powers by the enactment of the Employment in Essential Works Regulations, the Overtime Regulations, the Compulsory National Service (Essential Mines) Regulations and other similar legislation. It is obvious, however, that legislation of this kind is enacted principally as a matter of administrative convenience, for the legislation in itself is useless unless the people to whom it is applied are themselves willing and anxious to assist and co-operate with Government in every possible way. I am glad to say that the people concerned have responded in an encouraging manner, and have cheerfully performed the increased work which has been demanded of them, regarding it not as

an irksome duty imposed upon them by Government but as their share of the general contribution to the war effort.

This helpful spirit has been particularly conspicuous in the mining industry in which the largest transference of labour for re-employment in more important work has taken place. Some 25,000 to 30,000 men, chiefly engaged in farming, have been diverted to the minesfield, where they normally serve for a period of four months before returning to their farms. The organization of this large movement of labour under the powers conferred on Government by the Compulsory National Service (Essential Mines) Regulations, could not have been carried out without the loyal co-operation of the chiefs and headmen in the Northern Provinces and of the men themselves, who regard the work as a national service rather than forced labour. The part which they have played in increasing the production of tin has been a very valuable contribution to the Nigerian war effort. The concentration of such a large labour force on the minesfield, where food and houses are scarce and firewood unobtainable locally, has given rise to a number of difficult problems. In view of the urgent necessity to obtain the maximum output of tin in the shortest possible time an Administrative Director of Minerals Production was specially appointed to grapple with these problems and to exercise a general supervision over the labour conditions in the minesfield. Special arrangements have been made for the reception, the feeding, and the welfare of the transferred labourers and the majority of men now settle down to work in their new occupation very quickly. The Administrative Director is at present assisted by three Administrative Officers, who have been appointed Labour Officers, and two additional officers are now being seconded for this duty.

The re-adjustment of our man-power to meet the exigency of the war situation has been accompanied by a growing consciousness on the part of wage earners of their value to the community. They are beginning to voice their opinions about wage rates and conditions of service much more openly than they used to do. Many of them have formed Trade Unions, of which eighty-five have been registered. A great responsibility rests on the leaders of these Trade Unions, through whom the views and requests of the men as a whole are conveyed to their employers. They are the local leaders of a great movement which in other countries has done much to bring about a better understanding between employers and employed, and to increase the individual efficiency of workmen by insisting on the maintenance of a high standard of work as a necessary qualification to membership of a Union. The organization and management of the affairs of a Trade Union provides an admirable opportunity for the development of the qualities of leadership, and for training the officials to shoulder greater responsibility. If they can profit by the opportunity which the formation of so many new Unions presents, it is not too much to hope that trade unionism in the future will provide a valuable training ground for men who will eventually be capable of holding more responsible posts in other spheres of activity as well.

In November last a conference of Labour Officers was held at Accra which was attended by representatives from Nigeria, the Gold Coast and Sierra Leone, the Gambia being unfortunately unable to send a representative. Discussion ranged over a very wide range of subjects including cost of living allowances, post-war labour problems, minimum rates of pay, harbour and dock labour conditions, overtime pay, provision of cooked meals for labourers, housing, apprenticeship, trade unions, registration of labour, the training of African Labour Officers, and labour advisory committees. The free interchange of ideas between Nigeria's representatives and those of the other West African colonies where many similar labour problems

exist has been most profitable, and it has been decided that such meetings should be held regularly once a year.

Negotiations between this Government and the Government of the Spanish Territories of the Gulf of Guinea for an agreement to regulate the conditions of service of Nigerian natives who enter into contracts with employers in Fernando Po were brought to a successful conclusion when a labour treaty with the Spanish colonial government was signed last December. Under the terms of the treaty labourers will be entitled to free transport for themselves and their families to and from the place of their employment, a guaranteed minimum wage, free rations, free medical and hospital treatment, and a number of other advantages.

Satisfactory progress is being made with the Colliery Housing Scheme at Enugu under which new houses are being provided for 922 employees of the Colliery Department at an estimated cost of £104,000, which will be paid from money received as a free grant from the Colonial Welfare and Development Fund. If the locally produced materials which are being used at Enugu are found on trial to be as durable as imported materials, and to cost little more over a period of years in upkeep and repairs, the experience which we are gaining there may be very valuable when it is applied to other housing schemes in other parts of the country.

In his address to the Council last year Sir Alan Burns referred to the enactment of the Workmen's Compensation Ordinance, which has now been in operation since the 1st of April, 1942. This important piece of social legislation was regarded with some apprehension by employers when it was introduced in 1941, and it is therefore interesting to observe that during the first year it has worked smoothly and given rise to no dissatisfaction. All claims have so far been settled amicably without recourse to the Law Courts.

Relations between employers and their workmen have on the whole developed satisfactorily. There have been few strikes and no serious trouble. Some employers have not found it easy to reconcile themselves to the new industrial approach, and some of the leaders of the men have failed to appreciate that the improvement of labour conditions must be a gradual process. But regarded as a whole industrial relations have been remarkably free from friction, and both employers and employed have made steady progress in mutual understanding.

I had hoped that it would be possible to lay before you at this meeting a Bill for the complete re-organization of the Lagos Town Council. I regret that it has not been possible to prepare the Bill in time, but it will be laid before you at our next meeting.

It has been impossible, within the scope of this address, to give full credit to all the departments of the Government for the good work which they have done during the past year. The Posts and Telegraphs Department for example, and the Land and Surveys Department, have each coped satisfactorily with an enormously increased volume of work. I should like to close with a word of thanks to all the Government services, and in particular to the lower paid European Staff. The proportion of kicks to halfpence which the war has produced is, I fear, greater in their case than in that of most other Government servants, and their path was not made easier by protests against the grant, to some of them, of much needed and fully justified separation allowances.

CONFIRMATION OF MINUTES

The Minutes of the meeting held on the 10th of September, 1942, having been printed and circulated to the Honourable Members were taken as read and confirmed.

OATHS

The Honourable C. R. Butler, O.B.E., Acting Director of Education; the Honourable W. T. G. Gates, Commercial Member for Kano; the Reverend and Honourable Cannon L. A. Lennon, M.B.E., Member for the Ondo Division; the Honourable John Crawford, Commercial Member for Port Harcourt (Provisional); the Honourable K. M. Oliver, M.C., Banking Member (Provisional); the Honourable W. C. C. King, Commissioner of Police (Extraordinary Member); the Honourable G. L. Howe, Solicitor-General (Extraordinary Member); the Honourable E. C. Crewe, Postmaster-General (Extraordinary Member); the Honourable E. A. Miller, Commissioner of Labour (Extraordinary Member) and the Honourable G. B. Williams, M.C., Commissioner of the Colony (Extraordinary Member), took the Oath as Member of the Council.

PAPERS LAID

The Hon. the Chief Secretary to the Government :

Your Excellency, I beg to lay the following papers on the table:—

- Sessional Paper No. 3 of 1942, Report on Audit of Accounts of Nigeria for the year ended 31st March, 1940.
- Sessional Paper No. 4 of 1942, Report on the Medical Services for the year 1941.
- Sessional Paper No. 6 of 1942, Report on the Land and Survey Department for the year 1st April, 1941 to 31st March, 1942.
- Sessional Paper No. 1 of 1943, Annual Report on the Railways for 1941.
- Sessional Paper No. 2 of 1943, Annual Report of the Education Department for the year 1st April, 1941 to 31st March, 1942.
- Sessional Paper No. 3 of 1943, Report on the Accounts and Finances for the year 1941-42.
- Sessional Paper No. 4 of 1943, Report on Audit of Accounts of Nigeria for the year ended 31st March, 1941.
- Sessional Paper No. 5 of 1943, Annual Report of the Veterinary Department for the year 1941.
- Sessional Paper No. 6 of 1943, Annual Report of the Public Works Department for the Financial Year ended 31st March, 1942.
- Report of the Standing Committee on Finance for the period from August, 1942 to January, 1943.
- Subsidiary Legislation made since the last meeting of the Council.
- Minutes and Instructions by His Excellency the Governor for the information and guidance of Official Members of the Legislative Council.
- Annual Report on the work of the Labour Inspectorate, Nigeria, for the year 1940.
- Annual Report on the Labour Inspectorate, 1941.
- Draft Estimates 1943-44.
- Draft Railway Estimates 1943-44.

Certificates of Urgency in respect of the following Bills:—

An Ordinance to amend the Medical Practitioners and Dentists Ordinance, 1934.

An Ordinance to amend the European Officers' Pensions Ordinance.

An Ordinance to amend the Non-European Officers' Pensions Ordinance.

An Ordinance to provide for the payment of pensions, gratuities and other allowances in respect of the death or disablement of members of His Majesty's forces or of services auxiliary thereto or of services engaged in civil defence or of a class or category of persons engaged in war work.

QUESTIONS

NOTE.—Replies to Questions Nos. 22 and 27 by the Honourable the Member for the Rivers Division, Nos. 35, 36 and 38 by the Honourable the Member for the Colony Division, Nos. 43 and 44 by the Honourable the Member for the Ijebu Division, Nos. 49 and 50 by the Honourable the First Lagos Member, Nos. 52 to 54 by the Honourable the Member for the Ibo Division, Nos. 55-57 and 59 by the Honourable the Member for the Calabar Division, Nos. 60, 61 and 63 by the Honourable the Member for the Egba Division, No. 73 by the Honourable the Member for the Ibo Division, Nos. 74-81 by the Honourable the Third Lagos Member, Nos. 82-88 by the Honourable the Member for the Ijebu Division, and Nos. 89 and 91 by the Honourable the Third Lagos Member, are not yet ready.

The Member for the Ibo Division (The Hon. B. O.-E. Amobi):

1. (*Question No. 19 of the 7th of September, 1942.*) To invite attention to a publication in the *Eastern Nigerian Guardian* of the issue of the 11th of April, 1942, entitled "Legco Reflections", and in view of Government's reply to a question asked by the Honourable Member for the Ibibio Division at the last Budget Session of the Legislative Council that fifty-three Interpreters have become eligible for the full benefits of the Clerical Service, to ask:—

(a) Whether the right to proceed to the special maximum of £152 per annum by three equal annual increments after five years' halt on £128 per annum which is one of the benefits of the Clerical Service has been granted to Interpreters who have opted for the Clerical service conditions and who, if they were originally appointed clerks would in the normal way be entitled to proceed to this special maximum on recommendation?

(b) Whether Second-class Qualified Interpreters who have been confirmed in their appointments before April, 1939, and who have elected for the clerical service conditions but have not passed their second language examination are allowed to draw increments as they fall due as if they were clerks?

(c) If the answers to (a) and (b) above are in the negative how can the Government reconcile its statement that full benefits of the clerical service have been granted to fifty-three Interpreters?

(d) Whether Government would now be prepared to re-consider its decision and extend to the full benefits of the clerical service to all those Interpreters who have opted for the clerical service conditions? And if not, why not?

Answer—

The Hon. the Acting Financial Secretary:

(a) In accordance with circular instructions issued on the 2nd of January, 1936, the privilege of proceeding beyond the normal maximum of £128 for Second-class Clerks was abolished as regards all new appointments to the Clerical Service on and after the 1st of April, 1936, or those who were unconfirmed on that date. Interpreters absorbed in the Clerical Service on the 1st of April, 1939, are therefore not eligible for the privilege.

(b) and (c) It is convenient to answer (b) and (c) together. The reply to the specific question asked under (b) is in the negative although the general rule adopted is that Interpreters absorbed in the Clerical Service who had been confirmed in their appointments are eligible for increments in the usual course. The reason for the modification as regards the special class of Interpreters referred to in the question is that after the merging of the Clerical and Interpreter establishments had taken place on the 1st of April, 1939, it was brought to light that, contrary to the conditions which were in force for the employment of Interpreters, certain of them had been confirmed in their appointments before qualifying in a second language. They had not been allowed, however, to draw any further increments pending qualification in a second language. The main object of the abolition of the separate establishment of Interpreters was to emphasise the interchangeability of the duties of clerks and interpreters, which had in fact been the practice for some time, and it was decided that it would be wrong that on their absorption in the Clerical Service, Interpreters should gain any fortuitous advantage from which they were expressly excluded under their previous terms of service.

(d) In view of the explanation given above, this part of the question does not arise.

The Member for the Ibo Division (The Hon. B. O.-E. Amobi):

2. (Question No. 20 of the 7th of September, 1942). In view of the fact that the Administrative Staff has considerably been depleted consequent upon the war and in view of the close and unique relation existing between the Provincial African Staff of the Provincial Administration Department, particularly Interpreters, and Administrative Officers, a relation that has provided a suitable ground for the former to understudy the latter, to ask:—

(a) Whether Government will investigate the possibilities of the early creation of intermediate posts of Administrative Assistants to which deserving Interpreters and members of the Provincial Clerical Service could, if necessary after a short period of training, be appointed to take over from Administrative Officers such duties as, local treasury accounting, supervision of the accounts of the Native Administration Treasuries and Native Courts, local prison routine work, administering of oaths, office organization and management, reviewing of cases, or any of these duties, or any other routine duties that at present encumber and hamper Administrative Officers in the discharge of their onerous duties?

(b) Whether any Interpreters, since the inception of the Civil Service, have ever been advanced, or have been appointed to a post

carrying a salary above £220 per annum in the Provincial Administration Department? If not, why not?

(c) Whether any member of the Clerical Staff of a Provincial or a District Office in the Southern Provinces as distinct from the Headquarters or Secretariat Staff has ever been appointed to a post above the clerical status? If not, what are the reasons for the anomaly?

(d) Whether in the interest of the Service and in fairness to all concerned Government would seriously consider a scheme whereby the claims for promotion to posts of First-class Clerkships or to higher appointment posts of deserving officers, whatever and wherever their postings might be, would not be overlooked nor be eclipsed by the claims of those officers who happen to occupy posts that easily catch the eye or who work at Headquarters but who are by no means more deserving of promotion from the point of view of efficiency and conduct?

(e) If Government would consider publishing and circulating for the information of the African Staff, the African Staff Seniority Roster of the Provincial Administration Department once a year as is done in the Judicial and some other Departments?

Answer—

The Hon. the Chief Secretary to the Government:

(a) (i) Several of the duties enumerated by the Honourable Member have already been taken over by members of the clerical staff. For example, Administrative Officers have been relieved of their more routine duties in provincial and district offices and selected members of the clerical staff are now in charge of more than half the local treasuries in the country. Every opportunity is being taken, where suitable African officials are available, for such duties to be taken over by them. Office management has always been the responsibility of the clerks in charge of provincial and district offices. It has not been considered desirable to relieve Administrative Officers of their duties in connection with review of cases. As regards supervision of Native Administration accounts this, in the Northern Provinces, is the function of the Native Authorities themselves, subject to the advice and general control of the Administrative Staff, and, in the eastern and western provinces, the appointment of Native Administration Supervisors, who will relieve Administrative Officers of these duties, is being pursued. There is, in the northern provinces, no post corresponding to that of 'Interpreter' in the eastern and western provinces.

(ii) As regards the creation of "intermediate posts" it is perhaps hardly necessary to remind the Honourable Member that a general scheme on these lines which was embodied in Sessional Paper No. 2/1941 was rejected on the unanimous recommendation of Unofficial Members in September, 1941. As Your Excellency stated, however, on that occasion the Government does not intend to be deterred by the rejection of Sessional Paper No. 2/1941 from proceeding with the improvements which that Sessional Paper was intended to provide, and the question of creating posts in the Provincial Administration which will provide scope for Africans who are capable of relieving Administrative Officers of some of the less difficult but responsible duties which now devolve upon them will receive the serious consideration of Government.

(b) As the Honourable Member is no doubt aware, prior to the 1st of April, 1939, when Interpreters were absorbed into the clerical service, they formed a separate branch of the service and their emoluments were limited to £220. Since the absorption took place officials who formerly belonged to the Interpreters branch have been considered, and will continue to be considered, with other candidates for promotion to the next higher grade carrying salary above £220 *per annum* but so far none of them has been selected because they have not yet acquired the requisite knowledge and experience to justify their promotion.

(c) Not yet, mainly because such appointments have been so few in the past. It seems necessary, however, to remind the Honourable Member that not only are the clerical staff of the Provincial Secretariats and the Provincial Administration on a common roster for promotion, and are not infrequently interchanged, but arrangements are now in force which ensure that the qualifications and performance of promising clerks are regularly reviewed and that the claims of those who show definite promise of fitness to hold positions of superior status are brought to notice at headquarters in Lagos.

(d) This is sufficiently dealt with under (c).

(e) There is no objection in principle to the Honourable Member's suggestion, on the understanding that the seniority list would not be revised and circulated more than once a year. He will, however, no doubt agree that it would be inadvisable to adopt his suggestion under present conditions, having regard to the urgent necessity for conserving the use of paper and the ever increasing pressure on the time of Government servants. The matter will be pursued at the end of the war.

The Member for the Ibo Division (The Hon. B. O.-E. Amobi):

3. (*Question No. 22 of the 7th of September, 1942*). (a) Anent an Editorial in the West African Pilot of the 29th of May, 1942, headed "Dishonesty among Clerks", to ask what steps has the Postmaster-General taken or is taking to remove the anomaly of clerks on paltry salaries having charge of large sums of money without immediate supervision?

(b) Is the Government aware of the growing dissatisfaction among the Clerical and Postal Staff of the Posts and Telegraphs Department on account of lack of provision in the higher grades for men who have remained very long on the maximum of Second and First Class grades?

(c) Is it a fact that for many years past, no promotions have been made to the First Class and Assistant Chief Clerk or Superintendent grades which have not been for the filling of vacancies caused by death or retirement? If not, when was the last additional vacancy created in the grade of (i) Assistant Chief Clerk or Superintendent, (ii) First Class Clerk or Postal Clerk and Telegraphist, since (the retrenchment days of) 1931?

(d) If conditions justify the non-creation of these vacancies, what does the Government propose to do by way of transfer to other departments of those concerned in order to terminate this dissatisfaction?

Answer—

The Hon. the Acting Financial Secretary:

(a) Except in unforeseen circumstances clerks on small salaries have not been placed in charge of large sums of money without immediate supervision. In respect of the newspaper article referred to, the officer concerned was on a salary of £128 *per annum* and the average daily receipts at his office are £40 which amount is normally required to be paid out each day.

(b) Yes; the matter has been under review for a long period and the following increases in higher grade appointments have recently been approved:—

- 1 Assistant Surveyor.
- 2 Chief Superintendents.
- 37 First-class Postal Clerks and Telegraphists.

(c) No; additional post have been created as under:—

- 1938/39 1 Chief Superintendent (Chief Clerk grade).
- 1 Superintendent (Assistant Chief Clerk grade).
- 3 First-class Postal Clerks and Telegraphists.
- 1941/42 2 First-class Postal Clerks and Telegraphists.
- 1942/43 1 Assistant Surveyor.
- 2 Chief Superintendents.
- 37 First-class Postal Clerks and Telegraphists.

(d) An adequate number of higher posts has now been approved. Officers of the general clerical service in the Department are eligible for transfer to other Departments.

The Member for the Ibo Division (The Hon. B. O.-E. Amobi):

4. (Question No. 23 of the 7th of September, 1942). In view of the increase in the number of girls leaving school in the Eastern Provinces with equal decrease in the chances of many of them getting married owing to the growing tendency among the men to adopt monogamy, to ask what steps is the Government taking to provide employment such as Female Telephone Operators or Health Visitors for some of these girls?

Answer—

The Hon. the Chief Secretary to the Government:

The attention of the Honourable Member is invited to subparagraph (b) of the Answer to Question No. 5 asked by the Honourable Member for Calabar at the meeting of this Council which was held on the 4th of December, 1939.

The Postmaster-General hopes that it will be possible to provide increased employment as Telephone Operators for girls in the Eastern Provinces as qualified Telephone Supervisors become available. One Supervisor has recently been appointed.

With regard to employment as Health Visitors, it is intended, as part of the policy of development of the Health Services, to establish schools of training for Health Visitors and to develop existing Village Dispensaries into Rural Health Centres, which would have on their staff a Female Health Visitor trained in Hygiene, Infant Welfare and Midwifery. It may be added in this connection that, as the appreciation of skilled attention in child-birth becomes more widely spread, Midwifery should provide a useful occupation for women not only in the service of Government or Native Administration but also in the field of private practice.

On the general question of additional avenues of employment for African girls the Honourable Member will recall that the Select Committee which examined the draft Estimates for 1942-43 recommended that the Government should institute a secretarial training course including advance shorthand and typewriting. In pursuance of this recommendation it has been arranged that a course should be established at Queen's College. It will be open to girls from other schools throughout Nigeria who have attained a suitable educational standard, and funds have been provided for the engagement of an Instructress and for the necessary equipment. A request for the engagement of the Instructress was addressed to the Secretary of State for the Colonies early in June last and although a candidate has been selected, it has not yet been possible, owing to the shipping difficulty, to provide her with a passage to Nigeria.

The Member for the Ibibio Division (The Hon. Nyong Essien) :

5. (Question No. 25 of the 7th of September, 1942).
To ask the Honourable the Director of Education:—

(a) Whether General Orders apply to Government Teachers of the Education Department?

(b) If so, whether it is a fact that Government Grade III Teachers, whose maximum salary for that grade is £128 *per annum* (like the maximum salary for Second-class Clerks), cannot proceed on annual increments to £152 after remaining on £128 for five years, and to £176 like Second-class Clerks, if there is no promotion for them in the next grade?

(c) In view of the fact that Grade III Government Teachers have to pass an examination before they can be promoted to the next grade, whereas efficiency alone in other Departments of the Civil Service is sufficient for a lift, whether Government will consider the desirability, expediency, and early advisability of making the section of the General Orders, under reference, applicable to Grade III Government Teachers, in order to bring them into line with the rest of the Civil Servants?

(d) Is it a fact that there are over eighty Grade II Government Teachers drawing a maximum salary of £220, and that some of them have remained on that grade for over fifteen years?

(e) Whether the Honourable the Director of Education has found any of them fit for promotion to Grade I?

(f) If so, whether Government will consider the desirability of promoting them with a view to making room for those from Grade III?

(g) Why have those men been left to remain in Grade II for so long a period?

(h) Is it true that there are many Civil Servants of other Departments who reached the salary of £220 at the same time as Grade II Teachers, or later, and who have been promoted?

(i) If so, why is it that those teachers do not have as good prospects of promotion as other Government servants of equivalent status?

(j) Whether Government will consider the advisability and desirability of expediting promotion of those teachers?

Answer—

The Hon. the Acting Director of Education:

(a) Yes, Sir, unless otherwise specified.

(b) It is presumed that the Honourable Member has in mind General Order 183 which refers specifically to the Clerical Service. In connection with the 1922 revision of salaries, the Secretary of State for the Colonies specifically approved the extension to the non-clerical branches of the Service of the concession provided under (a) but not that under (b) of the General Order. Grade III Teachers, after attaining the normal maximum of £128 *per annum*, are therefore eligible to proceed to a salary of £152 by annual increments of £8 but not to £176. It has recently come to notice that a misapprehension, which has now been clarified, existed in the Education Department regarding the eligibility of Teachers for this concession.

(c) Grade III Teachers who joined the service before the revision of salaries in 1935-36 do not have to obtain the Senior Certificate to be eligible for promotion to Grade II. The Board of Education has recommended that the Senior Certificate examination be abolished, which is presumably the examination to which the Honourable Member refers. When the Senior Certificate examination is abolished there will be no compulsory examination for the next grade.

(d) Of the eighty-six Grade II Teachers forty-nine are on the maximum salary of £220 and of the latter number only one has been on his maximum for fifteen years or more. Approval has recently been given for provision to be included in the 1943-44 draft Estimates for six Teachers on a new scale of £310-15-£400. This should relieve the position somewhat.

(e) Yes, Sir.

(f) and (g) Promotion to Grade I is not intended to be automatic and must depend on vacancies and efficiency.

(h) It is a fact that a number of more fortunate officials of comparable length of service in other Departments have obtained promotion above the salary of £220.

(i) See (d) and (g) above.

(j) Proposals for the development of educational facilities are now under consideration. If these proposals are adopted, prospects for the best men will be improved.

The Member for the Ibibio Division (The Hon. Nyong Essien):

6. (*Question No. 26 of the 7th of September, 1942*).

(a) Has the post of Education Officer made vacant by the retirement of Mr Seriki been filled?

(b) If the reply is in the affirmative, (i) by whom and (ii) at what rate of salary?

(c) If the reply is in the negative, why has the vacancy been left so long unfilled?

Answer—

The Hon. the Acting Director of Education:

(a) Since Mr Seriki's retirement, three Africans have been appointed as Cadet Education Officers with a view to absorption in the grade of Education Officers after a minimum trial period of three years.

(b) *i* Messrs. T. O. Ejiwunmi, M. E. R. Okorodudu and C. A. Ekere.

ii At a salary of £200-20-£240.

(c) Does not arise.

The Member for the Ibibio Division (The Hon. Nyong Essien):

7. (Question No. 27 of the 7th of September, 1942).

(a) *Apropos* of Question No. 8 of the 3rd of September, 1940, and the replies given thereto, whether Government is aware that by reason of their position and the necessity for maintaining two establishments Government Travelling Teachers have to spend more money than residential teachers?

(b) If the reply is in the affirmative, whether, and if so, how, these officers are compensated for the additional expense?

(c) If no adequate provision has been made whether Government will consider as early as possible the desirability and advisability of

(i) drawing up a different scale of salary for them higher than the salary scale for residential teachers;

(ii) changing their status to one similar to that of Yaba Masters;

(iii) changing their official title from "Travelling Teachers" to "Cadet Education Officers";

(iv) allowing them to proceed from grade to grade automatically, without having to remain on any maximum salary of any grade to await promotion, till they reach the salary and rank of Education Officer?

Answer—

The Hon. the Acting Director of Education:

(a) Yes, Sir.

(b) They draw a special allowance of £2 *per mensem*. They also draw transport (cycle) and travelling allowance.

(c) (i) to (iv) The creation of a senior grade to include a limited number of selected teachers employed on inspection duty has been approved for inclusion in the 1943-44 draft Estimates as stated under (d) above. The designation of the new grade has not been finally decided.

The Member for the Ibibio Division (The Hon. Nyong Essien):

8. (Question No. 28 of the 7th of September, 1942).

To ask the Honourable the Director of Education:—

(a) Whether it is a fact that Government Teachers lose far more increments than Civil Servants of other Departments?

(b) How many of these teachers have had their increments withheld or deferred in the last two years, and for what periods?

(c) Why are they so disciplined?

(d) In which centres of the Service are they?

(e) Has the officer concerned been informed of the reason for his increment being withheld or deferred in each case?

(f) What are the conditions governing the award of increments in the Education Department?

(g) Whether the withholding of increments in the Education Department is done in accordance with General Orders?

(h) If so, what is the Number of the General Order?

(i) If the reply is in the negative, by what authority is such stoppage of increments effected?

(j) Whether Government will consider the advisability of rectifying early such a policy, if it is in operation, and if no authority supports the practice?

Answer—

The Hon. the Acting Director of Education:

- (a) The Government has no information to this effect.
- (b) Four withheld. Three deferred for six months.
- (c) For lack of efficiency, unsatisfactory work or conduct.
- (d) Not understood.
- (e) Yes, Sir.
- (f) The conditions applicable are those laid down for all Government servants in General Order 271 which reads as follows:—

“ Increment certificates are in no way formal and a Head of Department or Resident will be held responsible for the accuracy of the statements in any certificate signed by him. No certificate should be given in respect of any officer who has not discharged his duties with diligence, fidelity and such efficiency as fully to merit the increment, or whose conduct has not been entirely satisfactory.”

- (g) Yes, Sir.
- (h) General Orders 279-283.
- (i) Does not arise.
- (j) Does not arise.

The Member for the Ibibio Division (The Hon. Nyong Essien):

9. (Question No. 29 of the 7th of September, 1942).

(a) In view of Question No. 3 of the 26th of March, 1941, and the reply to (e) and (f), to ask: (i) How much of the £26,000 recently granted by the Government of Nigeria for the purpose of paying the arrears of increments of salaries of Mission Teachers goes to the teachers themselves, and how much goes to each of the Missionary Societies in Nigeria?

(b) Why should any portion of this sum go to Missionary Societies?

Answer—

The Hon. the Acting Director of Education:

(a) A statement showing how the money was allocated can be seen in the Office of the Director. It is too lengthy to print in full.

(b) Payments to Missions are (a) a reimbursement for increments actually paid during a period when the grant was fixed and money was not available from Government funds to meet the increasing cost of increments. (b) to reimburse certain Missions for expenditure to which they were committed by paying increments during the period of the Block Grant.

The Member for the Colony Division (The Rev. & Hon. T. A. J. Ogunbiyi):

10. (Question No. 43 of the 7th of September, 1942).

(a) To ask how many towns are there comprising Egbado Area?

(b) How many of the towns are directly under the Resident of Abeokuta, and indirectly under him through the Alake of Abeokuta?

(c) Have those under the Egba Government or "Native" Administration representation in Abeokuta Council as Ota? If not, why not?

(d) How many Egbado towns have had their crowns restored to them during the past five years? Name them and state to what Administration they belong?

(e) Were Isaga and Ibara among those who had crowned heads during pre-Dahomian invasion about the years 1860 to 1862? Is Government prepared to consider their being reinstated to their pristine tribal status without prejudice to their present classification as Ota town in Abeokuta Organisation?

Answer—

His Honour the Chief Commissioner, Western Provinces:

(a) The greater part of the Ilaro Division is composed of the Egbado tribe, and in Abeokuta there are some Egbado townships, namely, Ibara, Ishaga, Ilewo, Ijako, Jiga and Ibarapa.

(b) In the Ilaro Division the Egbado people have been reorganised with their own councils as separate and independent native authorities.

(c) In Abeokuta the townships mentioned in (a) above are represented on the Egba central council through their township and sectional councils. The Imala district in the Egba Division has not yet been reorganised but according to available information largely composed of people of Egbado origin although there has been considerable intermarriage with Egbas. It is at present represented on the Egba Central Council by the Amala of Imala. Egbados residing in the Otta District are directly represented on the Otta Council.

(d) None in Abeokuta Province.

(e) It is not possible fully to answer this part of the question without further investigation. Staff difficulties preclude the undertaking of an intelligence report at the moment but it is the intention to investigate the matter when opportunity arises.

The Member for Calabar (The Rev. & Hon. O. Efiang):

12. (*Question No. 55 of the 7th of September, 1942*). *Apropos* of an article in the *West African Pilot* of the 10th of October, 1941, to ask whether it is a fact that the Native Administration and the people of Ekiti have requested Government to establish a secondary school of their own for their children, out of their own available funds, but that obstacles have been put in their way? What are the facts of the case?

Answer—

His Honour the Chief Commissioner, Western Provinces:

Yes, Sir, in January, 1940. As far as the Native Administration is concerned the question is one of finance. The surplus funds including development reserves at the disposal of the Ekiti Native Administration at 1st April, 1942, amounted to £9,694, of which £5,000 are invested. Apart from the initial outlay on buildings and equipment, which the Native Administration was not in a position to afford, the recurrent expenditure on a secondary school that will bear comparison with Government secondary schools is estimated at about £1,000 annually, which the Native Administration was and still is unable to contemplate. A major question

of policy is also involved; Government is considering ways and means of providing additional secondary education facilities in the future and proposals for the establishment of some new secondary schools in the Western Provinces are under consideration. No promise can at this stage be given that any particular centre will be selected as the site for a new school.

The Member for Calabar (The Rev. & Hon. O. Efiang):

13. (Question No. 58 of the 7th of September, 1942). Inviting Government's attention to a report on page 1, column 4, of the *West African Pilot* of June 30th, 1942, concerning four special constables who were said to have been crushed to death by a train, to ask the Honourable the Chief Secretary to the Government:—

(a) Whether it is a fact that four special constables were so crushed to death?

(b) Has any inquiry been made into the circumstances of the accident and what facts have been established by the inquiry?

(c) What compensation, if any, has been paid to the next of kin of each of the four deceased special constables?

(d) How many special constables have died from injuries sustained during the discharge of their duties since the inception of the system of special constables in 1939, and what are their names?

(e) What compensation, if any, has been paid to the next of kin of each of them? And

(f) If no compensation has been paid, will Government consider the desirability of paying it?

Answer—

The Hon. the Acting Financial Secretary:

(a) Yes, Sir.

(b) Yes, Sir, the usual Coroner's Inquest was held. The Coroner summed up as follows:—

“ This is indeed an astonishing case. The four deceased were Special Railway Police engaged to patrol the Railway Line, to protect it and in particular to prevent the theft of Railway Keys.

The deceased were of different camps. Pius and Lawrence were from No. 2 camp, and Gregory and Garuba from No. 3 camp. The scene of the accident (Mile 220½ Port Harcourt line) lies midway between the two camps at the extremities of the beats allotted to their personnel.

Medical evidence shows conclusively that the deceased were alive when the eighteen hours D.S.G. at about 9-43 p.m. on the 25th June, 1942, struck and killed all four of them.

What exactly were deceased doing? Could there have been any foul play in this strange case? I think definitely not for the following reasons:—(a) The Medical Evidence (Alive when the train struck him and no evidence of poisoning or knife wounds). (b) No signs of any struggle in the vicinity. (c) Two knives of the deceased were found sheathed nearby and were not marked with blood.

I can only conclude that the deceased were fast asleep on the railway line when struck and killed by the train. No blame whatever can be attached to the driver of the train.

There are two strange aspects of this case. Firstly that the deceased were never wakened by the approaching train and secondly that their bodies should have been either carried or dragged some 400 yards or so by the railway engine.

Verdict.—Death by Misadventure ”.

(c) *Ex gratia* compensation of £37 17s 6d each has been awarded to the dependants of three of the deceased Railway Special Constables, *i.e.*, Pius Nsi, Gregory Oshoko and Garuba Bida. In the absence of dependants no award has been made in the case of the fourth man, Lawrence Ngwu. The amount of compensation was determined on the basis of the Workmen's Compensation Ordinance No. 51 of 1941, section 6 (a), which is inapplicable so far as these men were concerned.

(d) One, in addition to the four men shown above, namely, Mr D. A. E. Taffry, Messenger, Agriculture Department, Lagos. It may be observed that the four Special Railway Police already referred to were in a different category to the late Mr Taffry, for whereas the former were temporary engagements on a fixed salary for a specified purpose, the latter's position was that of an unpaid volunteer in the Civil Defence Services in connection with the war.

(e) A provisional *ex gratia* award of £27 has been made to the dependants of the late Mr Taffry mentioned in (d) above, pending a final decision in regard to the compensation to be made in respect of the death or disablement of members of local Civil Defence Services.

(f) Answered by (e) above.

The Member for the Cameroons Division (The Hon. J. Manga Williams):

14. (*Question No. 66 of the 7th of September, 1942*). To ask the Honourable the Chief Secretary to the Government:—

(a) What educational qualification is required for a telephone operator in the Posts and Telegraphs Department?

(b) What is the total cost of transport from 1940 to March, 1942, of the transfers and leaves of Postal Clerks and Telephonists to and from the Cameroons Province?

(c) Is Government aware that two natives of Cameroons with Standard 5 and 6 certificates respectively, employed as telephone attendants since the outbreak of the war but classed and paid as labourers at 10d per diem, have been operating quite satisfactorily during the day on the 3-switch boards in the Cameroons?

(d) If the answer is in the affirmative why not encourage employment of natives of the Cameroons for this special branch of work?

(e) What is the present cost of transport of a telephone operator from Lagos by overland route to Cameroons on transfer?

(f) In view of the remote position of the Cameroons Province is Government prepared to train youths of the Cameroons—of the different Divisions—as Postal Clerks and Telephone Operators for service in the Cameroons Province?

(g) Is it a fact that Linesmen are transferred from Nigeria to the Cameroons Province?

(h) How long does the training of a Linesman take?

Answer—

The Hon. the Chief Secretary to the Government:

(a) Class IV Middle, although preference is always given to higher qualifications.

(b) About £250.

(c) The men are employed as Night Attendants when the regular operators are off duty.

(d) See (f).

(e) About £10.

(f) Any applications from natives of the Cameroons will be considered with other applications. Like all other members of the African staff any natives of the Cameroons appointed to the Department must be available for duty in any part of Nigeria or the Cameroons. This is in their own interests as they would not otherwise qualify for promotion. Training must be given in Lagos. A comparatively small staff is employed in the Cameroons. It may be added that a temporary modification of the educational requirements has been authorised for natives of the Cameroons who wish to enter Government service. It is to the effect that such candidates, if educated at schools in the Cameroons, may obtain admission to the standard scale through a subordinate preliminary grade, to which the following non-pensionable scale is provided:—

£30

£30

£36 (a)

£42

£48

subject to the condition that entry below point (a), *i.e.* at £36 *per annum*, is permissible only for candidates for the posts of Nurses, Midwives, Leper and Lunatic Asylum Attendants. For appointment to this preliminary grade candidates must be in possession of a Class II Middle Certificate to receive a salary of £30 and of Class IV to receive a salary of £36.

(g) Yes.

(h) The training of Linemen is continuous and it is difficult to say when it is completed. Men are engaged as daily paid wiremen and generally pass the test for appointment to Grade III Linemen after one or two years and a second test two or three years later or sometimes longer. This entitles them to promotion to Grade II Lineman if their work and conduct is satisfactory and vacancies exist. Many of them are unable to get much further and their training may be said to have lasted five years. Those who show promise are encouraged to take further tests for promotion to Grade I and Chief Linemen the period taken depending largely on the man's ability and circumstances.

The Member for the Cameroons Division (The Hon. J. Manga Williams):

15. (*Question No. 72 of the 7th of September, 1942*).

(a) Does Government consider that the accommodation on plantations lighters which ply between Victoria and Calabar can be classed as inferior?

(b) If the answer is in the affirmative will Government now restore the privileges provided in General Order 437 in respect of

African officials who travel by these lighters which hitherto have been withdrawn?

Answer—

The Hon. the Acting Financial Secretary:

(a) Accommodation on Plantation Lighters in question is definitely inferior to second class accommodation on ocean going vessels and is practically of the same standard as ordinary deck accommodation.

(b) Approval has been given for the payment of compensation on the terms laid down for African Staff travelling by inferior accommodation on Government vessels.

The Member for the Ibo Division (The Hon. B. O.-E. Amobi):

16. (*Question No. 83 of the 7th of September, 1942*).
To ask the Honourable the Chief Secretary to the Government:—

(a) Whether the amalgamation of the Onitsha Township with Onitsha native town is in the interests of the Onitsha people and of the taxpayers resident in the Township?

(b) If the answer is in the negative, whether Government will arbitrate in the dispute which has arisen between the Onitsha Ibos and the non-Onitsha Ibos as a result of the amalgamation?

Answer—

The Hon. the Chief Secretary to the Government:

(a) After various meetings and discussions with the representatives of the people concerned it has been decided that the present 2nd Class Township of Onitsha shall cease to exist and shall in future be administered by the Native Authority. Government is satisfied that this is in the interests of all concerned.

(b) Does not arise but it may be stated that it has been laid down that the non-Onitsha Ibos shall be adequately represented on the Native Authority.

The Third Lagos Member (The Hon. Ernest Ikoli):

17. (*Question No. 86 of the 7th of September, 1942*).
To ask the Honourable the General Manager of the Railway:—

(a) Whether there was a loss of cash in the Railway Pay Office at Ebute Metta in December, 1939?

(b) What was the total amount lost and was it made good in full immediately by the officer held responsible for the loss?

(c) How long had the officer concerned been in charge before the shortage was discovered?

(d) Is it a fact that the handing over to this officer was done in the shortest time on record for an officer without any previous experience of cash office duties, due to the fact that the officer who handed over was urgently required for military duties?

(e) Is it a fact that at the time the duties were handed over the senior pay clerk was absent on leave and that no relief in the way of additional staff was provided?

(f) Whether it is a fact that consequent on the shortage the following disciplinary actions were taken against the officer concerned?

(i) Immediate removal from a position of responsibility and placed under the supervision of an officer junior to himself?

(ii) Advised that he was censured by the General Manager?

- (iii) Three months later further advised that the Governor has ordered a reprimand to be recorded against him?
 (iv) Increment (£25 p.a.) due as from 1st of April, 1940, withheld?

Answer—

The Hon. the Acting Financial Secretary:

- (a) Yes, Sir.
 (b) £63. The officer concerned admitted full responsibility for the loss and refunded the amount involved in two instalments.
 (c) Two months.
 (d) No.
 (e) The senior clerk was on leave but a relief had been provided.
 (f) (i) He was transferred to the Expenditure Section which was supervised by an officer who, pending a decision as to his previous service elsewhere, was junior to himself. When the decision referred to was taken shortly afterwards their relative seniority was reversed.
 (ii) No.
 (iii) Yes.
 (iv) Yes.

The Third Lagos Member (The Hon. Ernest Ikoli):

18. (Question No. 87 of the 7th of September, 1942). To ask the Honourable the General Manager of the Railway:—

- (a) Whether it is a fact that at sometime or another the following European Officers had been held responsible for the loss of Government monies, viz:—

Mr W. Nield, Accountant.

Mr W. Morrison, Accountant.

Mr E. H. Warham, Assistant Traffic Officer.

- (b) If so, what was the total of the loss in each case and were the losses made good in full by the officers concerned?
 (c) If not, why?

Answer—

The Hon. the Acting Financial Secretary:

- (a) Mr Nield, Yes.
 Mr Morrison, No.
 Mr Warham, Yes: jointly with others.
 (b) The losses were:—
 In Mr Nield's case £310: £180 refunded.
 In Mr Warham's case £48 10s 7½d: loss written off. The total losses in these cases were £310 and £48 10s 7½d respectively. In neither case was the loss made good in full. Mr Nield was required to refund £180 but in Mr Warham's case it was decided that the loss should be written off.
 (c) The amount to be refunded and/or the disciplinary action to be taken were decided having regard to all the circumstances of each particular case.

The First Lagos Member (The Hon. H. S. A. Thomas):

19. (a) To ask whether an inquiry was held into the cause or causes of the fire which broke out in Quarters 26B East and West in Kaduna on the 4th of January, 1939?

- (b) If so, what was the result of the inquiry?

Answer—

The Hon. the Acting Financial Secretary:

- (a) A Board of Enquiry was held.
 (b) The Board was unable to determine the cause of the fire.

The Member for the Rivers Division (The Hon. S. B. Rhodes, C.B.E.):

20. Inviting Government's attention to a recent publication in Nigeria under the title of "Land Tenure in Northern Nigeria", to ask:—

- (a) What is the total amount paid out by Government as share of Mineral Royalties during the periods 1933 to 1942?
 (b) Whether Government has considered the possibility of compounding these payments by the payment of one lump sum?

Answer—

The Hon. the Acting Financial Secretary:

- (a) £1,033,621 12s 6d.
 (b) Yes, Sir.

The Member for the Rivers Division (The Hon. S. B. Rhodes, C.B.E.):

21. (a) Is it a fact that three Assistant Medical Officers have recently resigned their appointments with the Government?

(b) If the answer is in the affirmative will Government state the reason or reasons for these resignations?

(c) Is Government aware of a strange feeling of dissatisfaction among the Assistant Medical Officers with regard to the conditions of their employments and salaries?

(d) Has any investigation been made by Government with regard to the conditions of service of these Assistant Medical Officers?

(e) If the answer to (d) is in the affirmative will Government please lay on the table the result or report, if any?

(f) If the answer is in the negative will Government appoint a special Commission to enquire into any existing dissatisfaction?

Answer—

The Hon. the Director of Medical Services:

(a) Yes. (1) 1/8/42. (2) 7/10/42. (3) 19/12/42.

(b) (1) Letter of resignation stated grounds of ill-health on the part of the officer and of his family. At an interview "inadequate remuneration for work done" was given as an additional reason.

(2) In view of local qualification and the conditions of service as Assistant Medical Officer unable to give of his best to the Medical Department. Intention to take up private practice and when financial and other arrangements permitted to proceed to United Kingdom to take a medical degree.

(3) Dissatisfaction with terms of service and prospects; intimated decision to resign and enter private practice until such time as Government could offer an appointment as Medical Officer.

(c) Representations indicating a certain amount of dissatisfaction with their conditions of employment were made to Government by Assistant Medical Officers in February, 1941 and July, 1942.

(d) Yes.

(e) The representations made to Government related to the following matters:—

- (1) Alleged promise of grant of scholarships to obtain qualifications in the United Kingdom.

No such promise had been made. At the present moment grant of scholarships is impracticable. Yaba graduates would require to complete a course of five years in the United Kingdom to obtain a registrable qualification there. Government has at its own expense given these officers a course of five years medical training leading to a qualification which admits them to the Medical Registrar of Nigeria. A further course of training at Government expense is not justified at present.

- (2) *Salary Scale*.—The proposed salary scale is £120, £128; £160-20-£560 with an efficiency bar at £300 and a promotion bar at £400. This improved scale was embodied in Sessional Paper No. 2/1941, which was rejected by the Legislative Council in September, 1941. The scale was, however, subsequently considered as a separate issue and has been adopted as will be seen from the draft 1943-44 Estimates, subject to the approval of the Legislature and the Secretary of State for the Colonies.

- (3) *Private Practice*.—It has been decided that Assistant Medical Officers may not engage in private practice without permission until they have completed five years' service subsequent to their qualification as Assistant Medical Officers.

- (4) *Transport facilities*.—Assistant Medical Officers are now eligible for the same scale of transport (including class of accommodation) as for officials in receipt of salaries over £300. [General Order 425 (a)]. In addition they are allowed, at the discretion of the Head of their Department, additional baggage not exceeding 1½ cwt when travelling on duty if it is considered that there are special circumstances which warrant the concession.

- (5) *Change of title*.—It is considered that the title of Assistant Medical Officer should be retained.

(f) Does not arise.

The Member for the Rivers Division (The Hon. S. B. Rhodes, C.B.E.):

23. (a) When does Government propose to make the Aba-Opobo Road an all weather road?

(b) Is Government aware that this is the only road connecting Opobo with the rest of Nigeria?

(c) Is Government also aware that these frequent closing of the Aba-Opobo Road during the rainy seasons dislocates trade?

Answer—

The Hon. the Chief Secretary to the Government:

(a) When funds are available which are not required for more important projects.

(b) Yes, Sir.

(c) No, Sir. The road was closed during the last wet season to heavy motor lorries. Trade to and from Opobo being water-borne no appreciable dislocation of trade resulted.

The Member for the Rivers Division (The Hon. S. B. Rhodes, C.B.E.):

24. (a) What is the total number of Civil Cases awaiting trial in the Aba Division of the High Court?

(b) Whether some of these cases have not been two years old without being tried?

(c) Is there any reason why a senior member of the Practising Bar could not be given a temporary appointment to assist in relieving this congestion?

Answer—

The Hon. the Chief Secretary to the Government:

(a) Forty-nine Civil Cases.

(b) Twelve cases were instituted over two years ago. Two of these were sent back by the West African Court of Appeal on 20th April, 1942, and 22nd October, 1942, respectively, for re-trial and a third case has been adjourned by consent of both parties, pending the decision of another case in the West African Court of Appeal.

(c) Does not now arise, having regard to the fact that a Judge has been posted to Aba.

The Member for the Rivers Division (The Hon. S. B. Rhodes, C.B.E.):

25. (a) Is it a fact that a Member of the Bar when appointed Temporary Magistrate is paid a stipend of £600 per annum or £50 a month and when given permanent appointment his salary is reduced by some £75?

(b) If the answer is in the affirmative is Government aware that these Magistrates have to automatically reduce the wages of their cooks and servants and seek for cheaper quarters?

(c) Would Government consider the question of allowing them to draw £600 per annum for three years before receiving an increment?

Answer—

The Hon. the Chief Secretary to the Government:

(a) Yes, Sir.

(b) No, Sir.

(c) The Government is not prepared to consider any alteration in the terms laid down, after careful enquiry, for the appointment of Magistrates to the permanent establishment. Such a course would be invidious and could not be adopted without inviting representations from other classes of officials for a review of their terms of appointment. It is not an unusual practice to pay to

the holder of a temporary appointment a higher salary than that attached to a permanent appointment carrying with it various benefits, including pension rights, not enjoyed by holders of a temporary appointment.

The Member for the Rivers Division (The Hon. S. B. Rhodes, C.B.E.):

★26. Inviting Government's attention to an Article published in the *West African Review* for October 1942, page 11, with the heading "Commissioner's Strange Idea of Co-operation", will His Honour the Chief Commissioner, Mr Shute, please explain what was actually meant by him and whether the words used by him were those reproduced in the paper or whether he was mis-quoted.

Answer—

His Honour the Chief Commissioner, Eastern Provinces:

My Honourable friend's question gives me a welcome opportunity of stating the facts. My remarks have been misrepresented. I did not, as the Article states, hail the formation of an African Chamber of Commerce at Calabar as "an instance of European-African co-operation". What I did say and recorded in my Inspection Notes at the time was this:—"I was glad that an African Chamber of Commerce had been formed. We should do all we could to establish and maintain close contact between that Body, the Commercial Member (who represents both African and European interests), and the Calabar Chamber of Commerce". I am happy to add, on the authority of the Honourable the Commercial Member for Calabar, that the constitution of both the Calabar and Port Harcourt Chambers of Commerce has since been amended so as to make "any corporation, firm or individual interested in trade or commerce in Nigeria" eligible for membership, irrespective of race.

The Member for the Rivers Division (The Hon. S. B. Rhodes, C.B.E.):

28. In view of the congested state of the Wards of the African Hospital at Enugu, is there any reason why temporary Wards of the same type as those of the Barracks should not be erected?

Answer—

The Hon. the Director of Medical Services:

Yes, Sir. In the first place, apart from the fact that Wards of the type suggested are not inexpensive structures and would cost some £5,000 to erect, £1,000 to equip, £800 annually to maintain, the Medical Department has not available the additional trained staff that would be required. Secondly, the site of the existing hospital is unsuitable for development and the hospital buildings are considered unsatisfactory. It is therefore the intention of Government to maintain the present hospital until the war is over and then consider building a new one on a more suitable site. Moreover, the present pressure on the hospital is due to a temporary increase of population in Enugu consequent on the war, a state of affairs which is not confined to Enugu.

The Member for the Colony Division (The Rev. & Hon. T. A. J. Ogunbiyi):

29. To ask the Honourable the Chief Secretary to the Government:—

(a) If it is a fact that quite a colony of Fanti people are settled in Ibeshe Beach for fishing purposes, whose intelligence is superior to that of the aborigines on the lagoon with a national custom all their own?

(b) What is the approximate population of the people, how far do they extend?

(c) How are they governed, do they come under Ibeshe Native Administration by whom they are subjected to indignity in the Native Court?

(d) Will Government consider the advisability of their being formed and recognised as a corporate body looking after themselves and coming directly under the Commissioner of the Colony?

Answer—

The Hon. the Chief Secretary to the Government:

(a) No, Sir. There is no Colony of Fanti people settled at Ibeshe Beach. Towards the end of 1942 about sixty Fanti Fishermen visited Ibeshe Beach on two occasions and stayed for about two weeks each time. Early this year a similar number visited the neighbouring Ilashe Beach for a similar period. They have returned to their settlement at Lagos.

(b) Does not arise.

(c) During their stay at Ibeshe or Ilashe they lived with the Kita fishermen, who also come from the Gold Coast and have been settled at these places for a long time. Like the Kitas they come under the Awori Lagoon Group Native Authority, which has a Council and a Native Court sitting at Irewe. The Kita fishermen resented the Fantis using their settlements, for which they pay rent to the owners of the land, and trespassing in their fishing waters. The dispute was settled between the Kita and Fanti headmen with the result that the latter left. It was reported to the Native Authority afterwards by the Kita headman. No Fanti has at any time been brought before the Native Authority or the Native Court.

(d) Does not arise.

The Member for the Colony Division (The Rev. & Hon. T. A. J. Ogunbiyi):

30. Inviting the attention of the Honourable the Chief Secretary to the Government to the Editorial of the *Nigerian Daily Times* of November 16, 1942, to ask if the new chieftaincies at Epe have had official recognition and if Epe town is being administered through them? If not, why not?

Answer—

The Hon. the Chief Secretary to the Government:

The new chieftaincies have not received official recognition. They are new creations not based on any Epe tradition or customs; they have not the unanimous support of the Epe people, although a large majority favour them; and it was clearly stated at the Commissioner of the Colony's meeting with the Epe Town Council

in November, when the matter was fully discussed, that those responsible for the appointment of the new chiefs did not desire any change in the constitution of the Native Authority for the Epe Area or Epe Town.

The Member for the Colony Division (The Rev. & Hon. T. A. J. Ogunbiyi):

31. To ask the Honourable the Chief Secretary to the Government:—

(a) If there is truth in the report that a Granary Depot was opened in Ikeja District with a clerk who is a Government Pensioner in charge?

(b) Was there any pressing necessity to justify the opening of the Depot?

(c) What are the commodities supplied the district through that Depot?

(d) What are the returns of sales of the commodities from the date of its inception to the present compared with money spent for their purchase?

(e) Can Government vouch that the commodities were evenly distributed among the people of the district, and that the Depot served the purpose of giving spectacular relief to the thousands of scattered inhabitants of the district?

Answer—

The Hon. the Chief Secretary to the Government:

(a) In October, 1942 a food distribution scheme was begun at Ikeja and a Government Pensioner was employed as a storekeeper.

(b) Yes, Sir. There was a large labour force mainly composed of non-natives of the area employed on Government work. These men would have found it impossible to obtain adequate supplies of native foodstuffs at reasonable prices.

(c) The commodities so far supplied under the scheme are farina (gari) and maize.

(d) This question cannot be answered at present as the bills received from the suppliers were inaccurate and have been returned for rectification. The suppliers are being pressed to provide accurate figures as soon as possible and in the interim no payments have been made.

(e) The object of the scheme was to ensure an adequate supply of foodstuffs at reasonable prices to the labour force employed on Government work and this object can fairly be said to have been achieved.

The Member for the Colony Division (The Rev. & Hon. T. A. J. Ogunbiyi):

32. To ask the Honourable the General Manager of the Railway:—

(a) How many accidents have occurred among cattle attendants on trains in motion during the past seven years?

(b) Why is a special coach not provided for the cattle attendants instead of their travelling in cattle wagons?

(c) Are Railway regulations about people travelling on top of wagons while the train is in motion without penalty? In how many cases has the penalty been enforced?

(d) Is the *Nigerian Daily Times* correct in reporting a fatal accident at Agege last December from the top of a cattle wagon while the train was in motion? Was any inquiry instituted, what are the findings of the inquiry?

Answer—

The Hon. the General Manager of the Railway:

(a) Eleven including three fatal.

(b) A covered wagon is provided on the cattle train for use of the attendants.

(c) Railway Bye-law No. 10 states:—

“ No person, except a railway servant in the performance of his duty, shall mount, or travel, or attempt to travel on the roof, steps, platform or footboard of any carriage, or motor vehicle or on the engine, or in the guard's van, or any portion of any carriage or motor vehicle not intended for the conveyance of passengers; and any person persisting in so doing after being warned to desist by the guard in charge of the train, or any railway servant, shall be liable to a fine of forty shillings, and may be summarily removed from such carriage, motor vehicle, engine, guard's van and the railway premises by any railway servant ”.

Penalty has not been enforced in cases where passengers have been injured as it has been considered the injury sustained is in itself a severe punishment. Efforts are made to prevent this practice.

(d) On December 23, 1942, a man named Lawal fell from the cattle train when passing Agege and received facial injuries. He was conveyed to the African Hospital, Lagos. An inquiry was not considered necessary.

The Member for the Colony Division (The Rev. & Hon. T. A. J. Ogunbiyi):

33. To ask the Honourable the General Manager of the Railway:—

(a) For comparative inventory of the Rest Houses provided for Engine Drivers and Guards, European and African at Stations North of Oshogbo?

(b) Are caretakers provided for African Rest Houses and are the African employees of the same status as Europeans allowed to take personal servants with them during any trip on duty? If not, why not?

(c) Why are water tanks not provided for Railway Servants in the arid area of Sokoto Provinces?

(d) What is the dimension of the Station Master's house at Yankara and of what material is it built?

(e) Is the Honourable the General Manager aware that places like Nafuche, Kaura Namoda and other Railway Stations in their direction are so bad off for water that even wells are dry and Railway employees are suffering in consequence?

Answer—

The Hon. the General Manager of the Railway:

(a), (b), (c), (d) Reply not yet ready.

(e) Scarcity of water is not peculiar to these stations. Water supplies are a constant source of difficulty and every effort is being made to overcome it. Employees experiencing difficulties over water supplies should address themselves to the District Traffic Superintendent of the area concerned.

The Member for the Colony Division (The Rev. & Hon. T. A. J. Ogunbiyi):

34. To ask the Honourable the Director of Agriculture:—

(a) If it is correct

(i) that there are no quarters provided for Produce Examiners in the Northern Provinces, particularly in Sokoto Area?

(ii) that promotion of the Produce Examiners is contingent on marks scored by them by not being fined for dereliction of duty?

(b) Will Government give an assurance that latent industries now being encouraged in different parts of Nigeria to meet present exigencies, e.g., those being exhibited and sold in Agriculture Headquarters in Lagos, will be allowed to continue after the War and that Officials like Mr Vigo, a West Indian at Gusau, will be encouraged to transform their training schools to Central Colleges of industry for the benefit of all parts of Nigeria?

Answer—

The Hon. the Director of Agriculture:

(a) (i) Yes, Sir. African Officials and employees are not provided with free quarters *vide* General Orders 197. In stations where Government quarters are available for occupation by Produce Examiners, they are required to pay rent. In other stations where no Government quarters are available they normally make their own arrangements for quarters. It has however recently become clear that in certain places in the Northern Provinces it is extremely difficult for Produce Examiners to obtain suitable quarters. The question of erecting quarters at stations where neither Government nor private quarters are at present available is now being considered by the Department.

(ii) No. Increment marks are awarded monthly in accordance with the degree of efficiency of work performed. Each increment mark is valued at 2s. and the total number of marks gained in any one calendar year, subject to a minimum number of marks being obtained, determines the amount of increment awarded during the following financial year.

(b) Yes, Sir. The Honourable Member is referred to pages 6 and 7 of His Excellency's speech to the Legislative Council on 4th March, 1940 and page 9 of his speech of the 17th March, 1941 from which it will be seen that it is the policy of the Government to encourage suitable local industries and it is one of the functions of the Chief Marketing Officer to study the internal trade of Nigeria and to assist the development of such industries. His Excellency made it quite clear that this policy is not a war emergency measure. It is not quite correct to refer to the Gusau scheme as a training school. The scheme is a depot for the proper preparation, grading, packing and despatch of local products and a necessary part of the

development of marketing. By proper preparation and grading a standard product can be obtained which will facilitate expansion of markets and thus enable a better price to be paid to producers for a better quality article. The Agricultural Officer, Gusau, is endeavouring to hand over the industries he has fostered, as soon as they are on a sound basis, to African Merchants who will continue to receive all necessary advice and encouragement, and the Chief Marketing Officer will continue to give assistance in the marketing of the products.

The Member for the Colony Division (The Rev. & Hon. T. A. J. Ogunbiyi):

37. (a) In view of the fact that both the Northern and Southern Nigeria have been amalgamated into one united Nigeria and the two Police Departments had been centralised also as one Department, to ask whether the time has not come for the perfect and not a partial unification of the two Police Forces?

(b) Adverting to Question No. 52 published in Government Gazette No. 15 of the 19th of March, 1933, to ask what is the necessity for the employment of African Inspectors of Police in the Southern Provinces of Nigeria which necessity does not arise for the appointment of the same African Inspectors of Police in the Northern Provinces? Are the conditions which were not comparable between the Northern Provinces and the Southern Provinces in 1933 still remaining incomparable now?

Answer—

The Hon. the Chief Secretary to the Government:

(a) There is already complete unification of the Northern and the Southern Nigeria Police Forces, except that there are still a number of the rank and file in the Northern Provinces who are on lower rates of pay than their colleagues in the South. Reference to the Police Estimates will show that each year this number is being gradually reduced, and in three or four years' time all men throughout the Force will be on the same rates of pay.

(b) Native Administration Police Forces, under their own Heads, augment the numbers of the regular Police in the Northern Provinces, and Police work there is only now reaching a stage where the services of Inspectors will be necessary, as is the case in the South. It is likely that steps will have to be taken in the next few years to increase the number of African Officers in the Northern Provinces, where at present there is only one, but it is probable that considerable difficulty will be experienced in securing the right type of natives of the Northern Provinces for these posts.

The Member for the Colony Division (The Rev. & Hon. T. A. J. Ogunbiyi):

39. To ask the Honourable the Chief Secretary to the Government:—

(a) If the Native Administration Staffs in the Colony will be taken into consideration in giving effect to the recommendations of Dod's Committee?

(b) Will their posts become pensionable, or Provident Fund arrangements be made for them?

Answer—

The Hon. the Chief Secretary to the Government:

(a) The conditions of service of the employees of the Native Authorities in the Colony are now receiving consideration in the light of the report of the Dod's Committee and of the decisions taken in the Protectorate, and they will shortly be revised.

(b) Their posts will not become pensionable. It is intended to include them in the Provident Fund Scheme now in the course of preparation for all the Native Administrations in Nigeria.

The Member for the Colony Division (The Rev. & Hon. T. A. J. Ogunbiyi):

40. To ask the Honourable the Chief Secretary to the Government:—

(a) To submit a tabulated list of the Taxes collected in each district of the Colony Division for the past three years.

(b) To clarify a point whether commission given to the Chiefs for collecting Taxes each year is in lieu of the stipend customarily paid them in bygone years, or not.

(c) If the answer to (b) is in the affirmative, what is the average share of each chief, in the Colony Division, of the commission given in each district?

(d) Is it permissible to Chiefs, in the Colony Division, to engage in trade giving only part time to their civic duties? If not, will Government consider the desirability of giving them such remuneration that will help them maintain the dignity of their titles and offices?

Answer—

The Hon. the Chief Secretary to the Government:

(a) Division	1939-40			1940-41			1941-42		
	£	s	d	£	s	d	£	s	d
Badagri ...	3,016	3	0	3,033	19	6	3,080	0	0
Epe ...	3,459	13	6	3,539	19	0	3,570	5	0
Ikeja ...	4,548	11	0	4,321	6	0	4,725	19	0

(b) A sum of money is allocated in the estimates of each Native Administration, except two, for the payment of remuneration to the Native Authorities in recognition of the work done by them as such. This sum does not bear a fixed relation to the tax but usually amounts to about twelve per cent of it. It is paid in a lump sum to the Native Authority and divided among the individual members in accordance with their own custom. In the Ikorodu and Ijede Native Administrations four and two chiefs respectively receive fixed stipends in addition to the sum payable to the other members of the councils. In the Ikeja and Ado Areas the Divisional Officer is, for the time being, the Native Authority and receives no remuneration from the Native Administration, but in these areas the town and village councils who act as tax collection authorities receive ten per cent of the tax collected by them. In every case the form which the remuneration should take was discussed with the Native Authorities before it was decided upon.

(c) In view of the answer to (b) this does not arise.

(d) The civic duties of Chiefs in the Colony are not such as to preclude them from engaging in trade to which there is no objection.

The Member for the Ijebu Division (Dr. the Hon. N. T. Olusoga):

41. (a) When did the Odemo Chieftaincy dispute at Isara in Ijebu Remo Division of Ijebu Province begin?

(b) How many Administrative Officers have investigated the claims of the two rival candidates to the title?

(c) What were the terms of reference?

(d) On what dates did each officer begin and conclude his Inquiry?

(e) Was the Report submitted to Government?

(f) If the answer to (e) is in the affirmative, will Government lay a copy of the Report on the table of this Honourable House, and also give an indication as to how soon a decision will be given as this matter is affecting every phase of life of Isara community?

Answer—

His Honour the Chief Commissioner, Western Provinces:

(a) On the 31st of July, 1941.

(b) Two.

(c) The first Inquiry was informal with no specific terms of reference. The second Inquiry was held with a view to amplifying that part of the previous report submitted which dealt with the eligibility of the two candidates for the selection. Special attention was paid to the following points:—

(i) From what families can an Odemo come?

(ii) Assuming that the title is held by Houses (or is restricted to direct descendants of the founder's family) can the connection be through the female line?

(iii) With whom does the selection of an Odemo lie.

(d) The first Inquiry began on the 5th of August, 1941. The report was submitted on the 21st of August, 1941. The second Inquiry began on the 11th of December, 1941. The Officer conducting it was seconded to another territory and was unable to finish it. Another officer subsequently resumed the Inquiry in April, 1942, and submitted his report in July, 1942.

(e) An outline of the position as it then stood was reported to the Chief Secretary in November, 1941. Both reports have been fully considered by the Chief Commissioner.

(f) No, Sir. Government is not prepared to lay these reports which contain matter of a confidential nature, on the table. The present position is that the Chief Commissioner has signified his willingness to intervene with a view to settling the dispute if this is in accordance with the general wish of the people, and if they are prepared to give an undertaking in advance to abide loyally by his decision. No such undertaking has as yet been given.

The Member for the Ijebu Division (Dr. the Hon. N. T. Olusoga):

42. (a) Is it a fact that the Stool of Ajalorun of Ijebu-Ife is now vacant?

(b) If so, what is the exact position now in regard to the selection of a successor?

Answer—

His Honour the Chief Commissioner, Western Provinces:

(a) Yes, Sir.

(b) The late Ajalorun died in August, 1942. The selection of his successor is still under consideration by those who by custom select the Ajalorun.

The Member for the Ijebu Division (Dr. the Hon. N. T. Olusoga):

45. (a) Is it a fact that towards the end of 1942, the Ijebu Remo Native Administration voted, in their District Council, a sum of £500 as their share of contributions towards the construction of the Lagos-Ijebu Road, and that the payment of this amount to the Lagos-Ijebu Road Committee was disapproved by the Nigerian Government?

(b) If not, what is the exact position of this matter?

(c) If so, what is the reason for this disapproval?

(d) When can a Native Administration with a Treasury of its own spend money already sanctioned by its Council?

Answer—

His Honour the Chief Commissioner, Western Provinces:

(a) and (b). At a meeting on June 11th, 1942, the Akarigbo and Council expressed the desire to contribute £500 to this project. They were informed that the Chief Commissioner was not prepared to put this proposal to Government.

(c) In considering proposals by Native Administrations for capital expenditure the Chief Commissioner must assure himself:—

(i) That the Native Administration can afford the capital expenditure and any recurrent expenditure arising therefrom.

(ii) That the project is feasible.

(iii) That the project should have priority over other development projects.

(iv) And, in the case of road construction, that the proposed road fits in with the general road scheme approved by Government.

When the grant from Ijebu-Remo was proposed, the Lagos-Ijebu road scheme had not been approved in principle by Government, no survey of the route had been made, no firm estimate of the capital cost had been given, and there was no indication that the necessary capital for the construction of the road would be forthcoming or that funds would be available for the maintenance of the road, if constructed. In these circumstances the Chief Commissioner was unable to approve a grant to a project of such a tentative nature. Although Government have now agreed to survey the route, there is still no firm estimate of the cost of construction, and the question whether the necessary capital can be raised is still problematical.

(d) The creation of new items under the Heading "Works Extraordinary" in the Native Administration Estimates requires the approval of the Chief Commissioner. If any withdrawal from invested funds is involved, the prior consent of the Governor is necessary.

The Member for the Ijebu Division (Dr. the Hon. N. T. Olusoga):

46. (a) To ask the Honourable the Chief Secretary to the Government:—

increased cost of administration due to the rise in basic wage rates and the revision of salaries will more than absorb the additional revenue. Government is unable to make any statement regarding the future expenditure of this revenue by Native Administrations.

The First Lagos Member (The Hon. H. S. A. Thomas):

51. To ask the Honourable the Chief Secretary to the Government:—

(a) What were the circumstances which necessitated the discharge of Ambrose Atangana, a Third-class Constable, from the Police Force?

(b) What was his length of service?

(c) Had he always borne a good character?

(d) Was notice of the discharge given him? If so, what was the duration of such notice?

(e) Was any pay issued to him in lieu of notice? If so, what is the number of months covered by such pay?

(f) In view of the fact that Atangana would be required to give Government not less than three months' notice should he desire to leave the Force before the expiration of six years, to ask whether Government does not consider that he should be given similar treatment?

(g) Will Government consider the advisability of giving him three months' pay in lieu of notice?

Answer—

The Hon. the Chief Secretary to the Government:

(a) Police Constable 8695 Ambrose Atangana was discharged from the Force, under section 37 (c) of the Police Ordinance (No. 2 of 1930), with effect from 19th July, 1942, as being unfit for the office of constable. He, with other Police, under the charge of a Non-Commissioned Officer, was detailed to escort some convicted soldiers from the court at Victoria, where they had been convicted, to their camp and back to Victoria. In the vicinity of the camp other soldiers set upon the party and rescued their prisoners. This constable pretended he had been knocked unconscious and made no attempt to help his comrades hold their prisoners or to identify the assailants. The Medical Officer subsequently reported that he was "suffering only from slight general bruising quite incompatible with his ever having lost consciousness partially or completely". The Senior Assistant Superintendent of Police, Victoria, held a detailed inquiry into the incident and dealt with the case fairly throughout. It was clearly established that the constable had been guilty of gross cowardice. A man of this type is a danger to his colleagues in an emergency and brings discredit on the Force. He was accordingly discharged as stated.

(b) One year, five months and eighteen days.

(c) Yes.

(d) Notice of discharge is never given when the discharge is in the form of disciplinary action. The sentence is promulgated and takes effect forthwith.

(e) No.

(f) No. See answer to (d).

(g) No. Atangana appealed against his discharge in a petition addressed to His Excellency on the 31st of August, 1942, and His Excellency saw no reason to intervene.

The Member for Calabar (The Rev. & Hon. O. Efiang):

58. What additional number of Government elementary, secondary and technical schools is it proposed should be opened by Government under the Ten Year Plan of Educational Development in Nigeria and at what localities?

Answer—

The Hon. the Acting Director of Education:

Proposals for new Government schools under the Ten Year Plan are as follows:—

(i) *Elementary*: None.

(ii) *Secondary*:

Northern Provinces	2 (Boys)
Southern Provinces	2 (Boys)
	1 (Girls)

(iii) *Technical*:

It is proposed to open a Technical College for the training of African Instructors who would subsequently be placed in charge of ten craft centres. These centres would offer courses of technical training to groups of schools.

The localities for the schools and technical centres have not been selected. One secondary boys' school and one secondary girls' school will be situated in the Eastern Provinces. The other secondary boys' school will be situated in the Western Provinces.

The Member for the Egba Division (The Hon. Olaseni Moore):

62. (a) Is it a fact that the Government has approved a Provident Fund Scheme for Native Administration officials and employees and that the necessary provision for bonuses has been inserted in the Native Administration Estimates?

(b) If so, has the Scheme been operating?

(c) If not, how soon does the Government propose to start such a scheme?

Answer—

The Hon. the Acting Financial Secretary:

(a) Yes, Sir.

(b) No, Sir.

(c) Before the scheme can be put into operation details of management have to be worked out and much preparatory work done; legislation also will be required. A Committee appointed by His Excellency to advise on this legislation is engaged on the draft of the Ordinance.

The Member for the Egba Division (The Hon. Olaseni Moore):

64. (a) What is the numerical strength of the clerical staff at present serving under the Native Administrations of the Western Provinces, and how are they graded?

(b) What arrangements are being made to remove congestion in the lower grades of the Native Administration Service as is being done in the Services of the Central Government and the Nigerian Railway?

Answer—

His Honour the Chief Commissioner, Western Provinces:

(a) In the time available it has not been possible to obtain all the necessary figures of personnel in each of the new grades.

The information will be furnished to the Honourable Member at a later date. The following are the grades recently approved by Government for Treasurers and the clerical staff of Native Administration in the Western Provinces:—

TREASURERS: Super-scale	...	£310-15-400
TREASURERS: Grade I	...	£240-12-300
" II	...	£140-10-220
" III	...	£80-8-128
" IV	...	£48; £48-6-72
CLERKS: Grade I	...	£140-10-220
" II	...	£80-8-128
" III	...	£48; £48-6-72
" IV	...	£24-3-30, £36-3-48
" V	...	Sub-scale, not exceeding £24.

(b) The grading of Native Administration posts with incremental salary scales has been introduced with effect from the 1st of January this year. So far as Government is aware, there is no congestion of the kind indicated by the Honourable Member in the lower salary grades of any Native Administration in the Western Provinces and no remedial arrangements are necessary.

The Member for the Egba Division (The Hon. Olaseni Moore):

65. To ask the Honourable the Director of Public Works whether he does not consider it advisable to recommend for the approval of the Government that members of the African Technical Staff be given opportunities either by examination or selection or both for appointment to the Engineering Staff earlier in their service than that provided in Sessional Paper No. 19 of 1935.

Answer—

The Hon. the Director of Public Works:

The matter has been considered in the past and the stage has now been reached when it should be practicable for members of the Junior Technical Staff who has passed with distinction in the qualifying examination for promotion from Grade II to Grade I of the technical service to enter the grade of African Engineers. Proposals for amending Sessional Paper No. 19 of 1935 to this effect are being submitted to Government.

The Member for the Egba Division (The Hon. Olaseni Moore):

66. (a) To ask the Honourable the Director of Medical Services whether it is a fact that the recent resignations of three Assistant Medical Officers were as a result of their being dissatisfied with the scale of their salary and the conditions under which they were working.

(b) Will the Government consider the possibility of revising the scale of salary of Assistant Medical Officers and allowing them other privileges which are enjoyed by their colleagues who are qualified in the United Kingdom.

Answer—

The Hon. the Director of Medical Services:

(a) The attention of the Honourable Member is invited to the reply to Question No. 21 (b).

(b) (i) Provision for a revised salary scale has been made in the draft Estimates.

(ii) Assistant Medical Officers enjoy the same privileges as Medical Officers except in the matter of private practice and it is not considered that this privilege should be extended to them.

The Member for the Egba Division (The Hon. Olaseni Moore):

67. (a) How many Medical Officers and Assistant Medical Officers are stationed at Abeokuta?

(b) Is it a fact that when the Assistant Medical Officer stationed at Abeokuta was away on leave for three months no relief was sent?

(c) Is there any provision made for Medical attendance in the following places:—

(1) Imale; (2) Otta town; (3) Ilaro; (4) Aiyetoro.

(d) As these places are many miles apart from each other cannot an Assistant Officer be made responsible for them?

Answer—

The Hon. the Director of Medical Services:

(a) 1 Medical Officer (European)

1 Assistant Medical Officer.

(b) Yes, Sir. It is true that when the Assistant Medical Officer left on two months' leave it was not possible owing to shortage of staff to provide a relief. The medical students who were to be appointed failed in their final examination.

(c) There are Native Administration dispensaries at each of these places.

(d) It is not considered necessary since the Medical Officer, Abeokuta, inspects these dispensaries at fairly regular intervals.

The Member for the Egba Division (The Hon. Olaseni Moore):

68. (a) Is it true that the Sacred Heart Hospital at Abeokuta has been taken over by the Government?

(b) If not, who is responsible for the Medical attendance of the patients in that Hospital?

Answer—

The Hon. the Director of Medical Services:

(a) No, Sir.

(b) The Government Medical Officer is supervising the hospital in the absence of a Mission doctor.

The Member for the Egba Division (The Hon. Olaseni Moore):

69. (a) How many trained female nurses and midwives are in the African Hospital at Abeokuta?

(b) If the number is less than six to ask whether early consideration may be given to the question of increasing the number of female nurses in the Hospital.

Answer—

The Hon. the Director of Medical Services:

(a) 2 trained female nurses;

1 trained midwife.

(b) The claims of Abeokuta and other short-staffed hospitals are receiving attention.

The Member for the Egba Division (The Hon. Olaseni Moore):

70. (a) To ask the Director of Education whether it is true that a Pension Scheme for Mission Teachers is being contemplated?

(b) If so, when is it likely to start?

(c) If not, will the Government graciously consider the advisability of a pension scheme for Mission Teachers in order to be able to retain the best brains in the profession?

Answer—

The Hon. the Acting Director of Education:

(a) No, Sir, but a Provident Fund scheme for teachers employed by voluntary educational bodies approved for grants-in-aid is included in the Ten Year Development Plan which is now receiving the consideration of the Secretary of State for the Colonies;

(b) does not arise;

(c) No, Sir. It is considered that the Provident Fund scheme and other benefits contained in the Development Plan should, if the Plan is approved, provide sufficient attraction for the profession.

The Member for the Egba Division (The Hon. Olaseni Moore):

71. To ask the Honourable the Director of Education:—

(a) Whether it is true that a decision was reached by the Board of Education at its sitting in February, 1942, in regard to the scale of salary for Certificated Mission Teachers?

(b) If so, how soon will it be put into operation?

Answer—

The Hon. the Acting Director of Education:

(a) At the meeting referred to the Board of Education recommended the adoption of new scales of salaries for the certificated teachers of voluntary educational bodies who are eligible for Government grants, provided additional funds either from the revenue of Nigeria or from the Colonial Development Fund are available to meet the cost thereof.

(b) These new scales have been incorporated in the Ten Year Development Plan which is now being considered by the Secretary of State for the Colonies.

The Member for the Egba Division (The Hon. Olaseni Moore):

72. (a) Is the Honourable the Director of Education aware of the hardship that is being suffered by teachers and the general public in Abeokuta as a result of the closing down of the Education Office of the Province?

(b) If so, what consideration is being given to the matter in order that the office may be re-opened as soon as possible?

Answer—

The Hon. the Acting Director of Education:

(a) The unavoidable reduction of the staff of the Education Department, caused by the war, has necessitated the closing of several Provincial Education offices and Abeokuta has not suffered more than other areas.

(b) It is not possible to re-open any Education offices until the staff position improves,

The Third Lagos Member (The Hon. Ernest Ikoli):

90. If the Military necessity is not now so urgent, to ask whether the Higher College Buildings could be restored to the authorities of the College so that the Students could resume their normal College life there?

Answer—

The Hon. the Chief Secretary to the Government:

The military necessity is still urgent. It is therefore regretted that the buildings cannot yet be returned to their normal use.

The Third Lagos Member (The Hon. Ernest Ikoli):

92. To ask whether Government has received a full account of all transactions in connection with the sale of West African Cocoa between the years 1940 and 1942 and whether a statement on the subject could be placed before the house?

Answer—

The Hon. the Chief Secretary to the Government:

No, Sir.

RESOLUTIONS**The Hon. the Acting Financial Secretary:**

Your Excellency, I beg to move the following Resolution standing in my name:—

“ Be it resolved: That the report of the Finance Committee
“ which was laid on the table to-day be adopted ”

This report shows in amplest detail the various transactions the Finance Committee have undertaken on behalf of the Council since it last sat, and I now seek the sanction of this Council.

Sir, I beg to move.

The First Lagos Member (The Hon. H. S. A. Thomas):

I beg to second.

Resolution adopted.

The Hon. the Comptroller of Customs and Excise:

Your Excellency, I beg to move the Resolution standing in my name—

“ Resolution and Order made under section 8 of the Customs
“ Tariff Ordinance, 1941 ”

which seeks to impose an increased duty of 1s 3d, including surtax, on leaf tobacco, bringing the total duty to 5s a pound. I assume it is not necessary for me to mention again the well appreciated reasons why luxury goods should be highly taxed in present circumstances. There are, however, certain special aspects of the case for putting an increased duty on leaf tobacco, and these are safeguarded by that part of the Resolution which states it shall remain in force until the 31st of March 1945. We hope that normal conditions will have been restored by then.

Sir, I beg to move.

The Hon. the Acting Financial Secretary:

I beg to second.

Resolution adopted.

BILLS
(*First Readings*)

THE DIRECT TAXATION (AMENDMENT) ORDINANCE, 1943.

The Hon. the Attorney-General :

Sir, I beg to move the first reading of a Bill entitled—

An Ordinance to amend the Direct Taxation Ordinance, 1940.

This amendment, Sir, which proposes to add another section to our Direct Taxation Ordinance, 1940, is a matter which I believe is of considerable importance to the whole country. As the law stands at present, the tax collected under this Ordinance is technically held in suspense until the whole lot is collected, and then a certain proportion of it, fixed by Your Excellency, is paid into General Revenue, the remainder forming part of the revenue of the different areas in which the tax was actually collected. There are certain parts of the country where I believe the percentage is sixty. That means that forty per cent of the total amount collected is retained in the actual area concerned. Where the tax is collected in a Native Authority area, that forty per cent forms part of the revenue of that Native Authority. The Bill before the Council will enable Your Excellency, instead of saying sixty, fifty, forty per cent, or whatever the figure may be, to fix a lump sum to be paid into revenue, irrespective of the amount actually collected. The theory behind this, Sir, and I think it is a sound one, is that where Your Excellency fixes a figure, which from past years you know is a figure that the areas can well afford to pay, the remainder collected, no matter how much greater it may be than the Native Authority would previously have kept, will be spent in the area and form part of the Native Authority funds. It is believed, Sir, that if this course is adopted, the actual amount of revenue raised in those areas may be increased, because it is of course more natural for a man to subscribe something to a fund when he knows he is going to get a larger proportion for his own use. Sir, I beg to move.

The Hon. the Commissioner of the Colony :

I beg to second.

His Excellency :

I should like to add that this will mean a tremendous simplification of accounts and save a great deal of work in administration.

Bill read a first time.

THE CRIMINAL CODE (AMENDMENT) ORDINANCE, 1943.

The Hon. the Attorney-General :

Your Excellency, I beg to move the first reading of a Bill entitled

An Ordinance to amend the Criminal Code.

The objects of these amendments are set out at length in the Objects and Reasons, and I need not speak at any length on this Bill. I think it is obvious that the first amendment in clause 2 is to provide

that a person employed by a Native Authority comes within the definition of a person employed in public service.

The second amendment, in clause 3, is to apply to a counterfeit nickel coin the same provisions as to counterfeit gold and silver coins.

Clause 4 is to make clear that newspaper competitions can be held, but they must not be competitions in which prizes are offered or entrance fees charged.

Clause 5 amends section 366 of the Criminal Code so as to make it up-to-date now that somewhat similar provisions are included in the special legislation dealing with Trade Disputes.

The amendments in clause 6 are designed to clarify the position as regards certain sections of the Criminal Code which do not apply to trade disputes.

Sir, I beg to move.

The Hon. the Commissioner of the Colony :

I beg to second.

Bill read a first time.

THE WIDOWS' AND ORPHANS' PENSION (AMENDMENT) ORDINANCE, 1943.

The Hon. the Attorney-General :

Sir, I beg to move the first reading of a Bill entitled

An Ordinance to amend the Widows' and Orphans' Pension Ordinance.

The objects of these amendments are clearly set out in the Objects and Reasons and I need only mention one thing. That is, the amendment which will be found in clause 2 already exists to-day by means of a Defence Regulation, but it was thought advisable that this should be inserted in the Ordinance itself and the Defence Regulation revoked. The other provisions of the Ordinance deal with the administration of the Widows and Orphans Pension scheme which is common throughout West Africa.

Sir, I beg to move.

The Hon. the Commissioner of the Colony :

I beg to second.

Bill read a first time.

THE 1943-44 APPROPRIATION ORDINANCE, 1943.

The Hon. the Acting Financial Secretary :

Your Excellency, I rise to move the first reading of a Bill entitled

An Ordinance to appropriate the sum of twelve million, four hundred and eleven thousand, five hundred and ninety-seven pounds to the service of the year ending on the thirty-first day of March, 1944.

Honourable Members have already had the advantage of listening to Your Excellency's Address, and have also received a copy of the Estimates and Draft Memorandum thereon. This Memorandum is intended to convey a full expose of the proposals for the year and

to indicate how the expenditure proposed differs from what has been spent this year, and what is expected to be collected, and full details are given in the Memorandum. The notes in the Memorandum have been made as copious as space permits, and there is very little left for me to say, unless I admit that the Estimates and Memorandum are not complete in themselves, which is hardly to be expected. But there are one or two remarks of a general nature which I might mention, and I will endeavour as far as possible to leave figures out of my speech.

One point I would stress at the outset is that one financial year is merely a continuation of its predecessor; there is nothing particularly sacrosanct about the 31st March though it is a convenience for this Council to bring the Colony's finances under annual review but Government does not spend money simply because the revenue happens to be coming in, nor does it indulge in a cheese-paring policy if matters seem to be momentarily straitened. If Government policy were to oscillate in this manner a forward policy would be quite impossible.

I now approach the question of expenditure for the coming year. Following on what I have said it is apparent that I must deal with expenditure first. We must know what we must spend before we can discuss how to obtain it. The outstanding feature of the estimated additional expenditure of a million and a half pounds is the £689,000 Cost of Living Allowance. If to this be added the £60,000 by which we are bringing up the present insufficient contribution to the Marine Renewals Fund to the full contribution, we have already explained half this large increase. The other half is in the rest of the items, and I think is adequately explained. I will, however, mention three things. One item is the very large increase in the cost of obtaining drugs—£128,000. This is largely due to the necessity of Government buying drugs for sale to the public in general, and this £128,000 will be recovered over a period of time, but not in one year alone.

There remains a substantial item under expenditure—Public Works Maintenance charges. I do not think I need stress why these charges have gone up. The cost of all building materials continues to rise, and it must not be assumed, because we are spending more, that we are maintaining a higher standard or erecting more buildings. We are buying the same things at higher prices.

One last point on expenditure. On war measures I am glad to say there is a slight decrease, and I trust I may be permitted to hope, without undue optimism, that we have at last approached the peak of this expenditure. But considerable additional funds have to be found for the Information Office. I mention this, because, although other activities under war expenditure will decrease, an institution of the educative value of our Information Office is bound to persist in our post-war set-up.

I pass to the Second Schedule. That part dealing with the Railway provides funds for maintenance, renewals and capital

expenditure. I do not propose to go into this in detail because my honourable colleague, the General Manager of the Railway, can do this better than I can and will have an opportunity to do so later in the proceedings.

There was one figure mentioned by the Financial Secretary in his speech last year which I think I might briefly develop. He said that the net available balance at the 31st March, 1942, would be £670,000. Actually it was £774,000, and I think Honourable Members might like to know how that money was disposed of. £350,000 was used in repayment of working capital borrowed from the Treasury, £143,250 to the Renewals Fund, the amount due in respect of borrowings to cover deficits and £281,000 in respect of arrears to Renewals Fund on the restored contribution. There is still £108,500 on account of arrears, which will be met from the surplus of the current financial year; I believe the General Manager of the Railway is making this payment at the moment. The balance on the current financial year is set down at £800,000. There is no need at the moment to deal with how that will be allocated, but you have already indicated Sir, your intention to start a Reserve Fund, subject to the approval of this Council. The Estimates for next year envisage a balance of between £550,000 and £600,000 and this is regarded as a conservative figure in the light of existing circumstances.

Honourable Members will see for the first time that the Colliery appears under the Second Schedule. This does not mean that any different policy is being adopted with regard to Colliery or that it is no longer a Government department. It is simply a recognition that it is a commercially run department (that is as far as Government accounts lend themselves to a commercial basis). For Budget purposes the result of the Colliery's financial transactions will show as an item of revenue. I hope this will persist. Though nothing appears in the body of the Estimates the total gross cost does appear in the Schedule and thus enables this Council to maintain control over the complete expenditure anticipated.

I might perhaps mention here briefly the problem of commercial accounting on a Government basis for commercial undertakings. Honourable Members opposite who have had business training will realise how impossible it is at times to reconcile the requirements of Colonial regulations with true and accurate accounting on a commercial basis. For this reason we have to keep two sets of accounts, one to comply with regulations and one to take a commonsense view of the proceedings. I do not doubt that in the future the necessity for keeping two sets of accounts will disappear.

The task before the House, if it accepts the necessity for the expenditure in the First Schedule, is to find £8,578,100, and this by itself does not involve the necessity for additional or new tax. But the Council has already given approval to £60,000 under the import duty on leaf tobacco, which has been explained by the Comptroller of Customs, and we also propose to increase Companies

Income Tax from 5s to 10s in the £. As regards Companies Income Tax, this rate is already imposed in another Colony, and it is considered desirable that all businesses operating locally should pay this rate. As Honourable Members will be aware, the actual incidence will not fall on Companies operating locally but assessable to United Kingdom taxation.

The estimated proceeds of the taxation shown in the draft Estimates, plus the £210,000 to which I have just referred, will give a balance of about half a million pounds over expenditure. Now this is a very substantial figure, looked at by itself, but not an excessive balance regarded as a percentage of our commitments, and I think our experience of war-time conditions shows that this will not give us anything more than general elbow room.

On Revenue I do not think I need say very much except to say that certain figures in the revised Estimates prepared in February and based on returns in December, will not be realised when the final figures are taken on the 31st of March.

You have, Sir, explained in your speech the reasons for these fallings-off—poor groundnut crop and so on. This has been offset by very much increased rubber production, while palm oil and kernels are respectively slightly above and below the original estimate. The latest estimate of the yield from Import duties is £2,800,000, or £180,000 in excess of the revised estimate shown in the 1943-44 draft Estimates. The only other point is the matter dealt with by my honourable colleague, the Attorney-General, regarding Direct Taxation.

Honourable Members may feel there is nothing very much in these proposals to which they can take exception, though they may also feel there is little to rouse their enthusiasm. Perhaps, however, this is the merit of this Budget.

The purposes of our Budget are—to provide for the maintenance of all existing services, to meet substantial special war expenditure, to provide war-time additions to the salaries of the lower paid, and to provide for a steady improvement in Agriculture, Education, and Public Health. Properly speaking, this is no mean achievement at a time like this, though they may seem small when one thinks of the tremendous issues being decided elsewhere to-day.

I commend this Bill to the favourable consideration of the House, and beg to move.

The Hon. the Comptroller of Customs and Excise :

I beg to second.

Bill read a first time.

THE FORESTRY (AMENDMENT) ORDINANCE, 1943.

The Hon. the Attorney-General :

Your Excellency, I rise to move the first reading of a Bill entitled An Ordinance to amend the Forestry Ordinance, 1937.

This Bill is a short one, Sir, and in this case too the provisions have been fully set forth in the Objects and Reasons, but I would

like to draw attention to clause 6, the first amendment. In 1941, Sir, this Council amended the Forestry Ordinance to provide that "any farm or plantation made in a forest reserve in contravention of section 43 (f) to be destroyed".

Well, Sir, we then reached the stage when it would have meant that under that Order farms which contained rubber producing vines or trees would have to be destroyed. That, of course, under existing conditions, would be absolutely criminal, and therefore Defence Regulations were brought in providing that in such a case they would not be destroyed but confiscated and thereafter placed at the disposal of the Chief Conservator of Forests; the obvious reason being that a valuable commodity from a war point of view could be saved instead of destroyed. This amendment will now go a stage further and will provide that not only a farm containing rubber producing plant, vines or trees, can be placed at the disposal of the Chief Conservator of Forests, but any farm. It makes no difference to the penalty imposed because "destruction" and "forfeiture" so far as the owner is concerned is practically the same. By this amendment the Chief Conservator of Forests may be able to put the farm to some useful purpose. The defence regulation will be revoked by Your Excellency on the enactment of this new Ordinance.

The amendment in clause 3 is simply to make quite clear that a certain existing practice is not *ultra vires*.

Clause 5 is to enable all offences under the Ordinance, except those under section 47, to be compounded by the officers who are authorised under the Ordinance to compound offences. Sir, I beg to move.

The Hon. the Director of Agriculture :

I beg to second.

THE WRECKS AND SALVAGE (AMENDMENT) ORDINANCE, 1943

The Hon. the Director of Marine :

Sir, I rise to move the first reading of a Bill entitled

An Ordinance to amend the Wrecks and Salvage Ordinance (Chapter 105).

It is desirable, Sir, when investigating shipping casualties, that there be more than one officer, so that the officer holding the investigation may have the assistance of others of nautical or engineering skill. In most cases, accidents are due either to faulty navigation or to engineering trouble, and investigation covers both sections. For that reason it is necessary to have sitting on the Board those who are skilled in their particular job.

In the Ordinance as it is at present, the officers holding the enquiry may send their report direct to the Governor without passing through the Director of Marine, and as the Director of Marine is Government's nautical adviser it is considered advisable that he should see it and make recommendations, if necessary. Clause 2, section 4 of the amendment provides for this Sir. In

some cases the enquiry might be into a minor accident and it may not be necessary to bother Government with a request for an enquiry by the Supreme Court. Provision has now been made for the Director of Marine to decide whether or not it is necessary to send the report to Government or, give a decision himself.

Sir, I beg to move.

The Hon. the Deputy Chief Secretary :

I beg to second.

Bill read a first time.

THE NATIVE COURTS (COLONY) (SESSIONS AND REVIEW—AMENDMENT) ORDINANCE, 1943.

The Hon. the Commissioner of the Colony :

Your Excellency, I rise to move the first reading of a Bill entitled

An Ordinance to amend the Native Courts (Colony) Ordinance, 1937.

This Bill, Sir, is merely intended to add to the Colony Ordinance certain sections which have already been added to the Protectorate Ordinance and I do not think that I can usefully add anything to the explanation contained in the Objects and Reasons.

I beg to move that the Bill be read a first time.

The Hon. the Deputy Chief Secretary :

I beg to second.

Bill read a first time.

THE 1940-41 SUPPLEMENTARY APPROPRIATION (AMENDMENT) ORDINANCE, 1943.

The Hon. the Acting Financial Secretary :

Your Excellency, I rise to move the first reading of a Bill entitled

An Ordinance to amend the 1940-41 Supplementary Appropriation Ordinance, 1942.

The object of this Bill is to give statutory authority for the repayment to the Renewals Fund of monies already appropriated, and if we set up a Reserve Fund the necessity for such legislation will disappear.

Sir, I beg to move.

The Hon. the Deputy Chief Secretary :

I beg to second.

Bill read a first time.

THE NATIVE AUTHORITY ORDINANCE, 1943

The Hon. the Attorney-General :

Sir, I rise to move the first reading of a Bill entitled

An Ordinance to provide for the establishment of the Offices of Native Authorities throughout Nigeria other than in the township of Lagos, the appointments to such Offices and the powers and duties of Native Authorities.

The principles underlying indirect rule throughout Nigeria are very well known and understood by members of this Council, and therefore I do not propose to touch on that general principle of the Bill, but I think it would be as well if I drew the Council's attention to those differences which this Bill will make, differences from the existing practice and procedure. The Bill, Sir, gives far greater authority to Native Authorities. It enables them to take over and, I think, better run matters within their own areas. It will also enable them to conduct their business in a better form. In this Bill Government has attempted to meet all the difficulties and complications which have arisen since the Native Authority Ordinance, 1933 was brought into operation on the 1st April, 1934.

The Objects and Reasons at the back of the Bill, which I commend to Honourable Members, are very extensive, but I think nevertheless I should draw special attention to the new and important matter which will be found in this Bill. If members will bear with me, Sir, I would ask them to look in the Index at the beginning of the Bill. There are particular provisions to which I think I should draw attention. There is an extension of the law under section 11. This is the removal of individual members where a body of persons is appointed a Native Authority. Under the existing law, if a body is appointed the only way that a member of that body can be removed is by removing the whole body. It is because the body is appointed as an entity that difficulties sometimes arise. You get one particular person who absolutely refuses to co-operate in the administration of the areas concerned, or may have shown himself definitely unfitted to be entrusted with duties and powers as a member of a Native Authority, but it is impractical to remove him without removing the whole body. Under this new provision, Sir, where a group of persons is appointed, it will be possible for an individual to be removed just as though he had been individually appointed. I have just been speaking of the words "group of persons", the Ordinance provides in the earlier sections as to who may be appointed. Clause 5, Sir. Appointment of members of a Native Authority in a Protectorate. Clause 5 (1) (a) states "any Chief or other person". Now I refer especially to this because I believe the appointment of an individual as a Native Authority meets at times with a certain amount of prejudice or opposition. I saw recently in the press an attack upon the power of appointment of an individual as a Native Authority who is referred to as a sole Native Authority. In the article there was a reference to a particular statement by Sir Donald Cameron. The editorial reads:—

"We take very strong exception to the recognition of any single person as the Native Authority. Where the indigenous political institution is essentially democratic, it is contrary to the principle of 'Indirect Rule' to engraft upon the 'soundly rooted Native stock, that had its foundations in the hearts and

placed under the jurisdiction of Native Authorities. The classes are all those persons whose normal mode of life is that of a member of a native community, in other words, those persons who are not natives of Nigeria but are living in a native community as if members of that community are affected by these Orders, and therefore it has in practice been necessary to publish every one of these Orders, no matter how trivial, in the Gazette. Now with that restriction being removed it will mean all these domestic matters will be published in the area concerned in the manner provided in the Bill. The Bill also provides for proof in the Courts of the enactment and publication of any such Order.

Clause 27 deals with signification of Orders and Rules. This reproduces an amendment passed last September in this Council, providing that where you have a Native Authority consisting of say 20, 30 or 100 different people, instead of that number having to sign the Order, it can be signed by such number of them, either specifically or generally, as may be decided by the Resident of the Province.

Now, Sir, we come to clauses 30, 31 and 32, and they refer to subsidiary legislation made under one authority which in certain cases may be varied under another. Also the effect in subsidiary legislation where one Native Authority is substituted for another: and further the fact that section 30 will apply to the original and substituted Native Authorities. The position is this, that as Nigeria is progressing, many large areas are broken up into smaller areas, and Native Authorities are appointed over those smaller areas. Now the legal position arises, as they all have different names from the original Native Authority, as to what are the rules and regulations existing in those new Native Authority areas, because they have been made by a Native Authority which no longer has local jurisdiction and in fact has frequently ceased to exist. Well, these clauses simply provide that where an area is broken up into smaller areas or the names changed, the existing provisions will continue in those areas and they shall be deemed to have been made by the current Native Authority, and that Native Authority will be able to deal with that legislation just, as though it had originally made it.

Clauses 33, 34 and 35. Clause 35 I have already referred to, when speaking of a sole Native Authority being able to appoint Advisory Councils. In point of fact, many Advisory Councils have already been constituted; they are actually working, but have no legal status at the moment, and this will give legal status to them and also enable them to take their proper share in the administration of their particular areas under a sole Native Authority. The other two clauses relate to the business of Native Authorities and it provides that they shall conduct their business in a proper manner (for instance, how many members must form a quorum), and generally run their Councils on a proper businesslike footing. This will train them gradually so that they can take a greater part in the administration of the country.

Part V, which contains clauses 44 to 53, is entirely new, and this is necessary although it may not be of very general application. It provides for the incorporation of Native Authorities. Now Honourable Members may wonder why we ought to incorporate Native Authorities. Well, Sir, Native Authorities are definitely making headway; they are undertaking large public works, and they are gradually running what we might describe as public utility services. Well to run services of that nature, Sir, they must have the right to hold land, and a Native Authority cannot hold land unless it is given statutory authority to do so. The only way we can give them right to hold land is to incorporate them as corporate bodies so that they will have all the powers of an individual in holding land. These clauses, Sir, provide that Your Excellency can authorise certain Native Authorities to hold land, and the extent of the land which they can hold. Honourable Members may wonder why they should want to hold land and I will give one example. The Native Authority at Ibadan are actually running the water works but they cannot hold the land in question but under this Ordinance they will be able to do so.

There is one particular matter here on the same subject which might be of interest; clause 48. It is in, Sir, because certain Native Authorities have gone ahead, taken possession of land, and become land owners, and subdivided it without any statutory authority, but this will remedy it.

The next innovation will be found in clause 62, and that is that where a person obtains judgment against a Native Authority in the Courts, which is possible to-day, there is therein set out the method by which that judgment shall be satisfied. I think it would be rather a disgraceful though amusing state of affairs if the successful litigant had occasion to levy on the Native Authority Police Court or other public building. That does not happen in the case of Government. The amount due is certified by the Court and paid by Government. In the same way provision is now being made that the amount due will be certified by the Court and paid by the Native Authority.

Parts VIII and IX are also entirely new so far as legislation is concerned. They deal with the constitution and running of Native Authority Police Forces and Native Authority Prisons. I don't think, Sir, I need go into this in detail except to say that this will provide statutory authority under which the Police Forces will be put on a sound basis. They will be governed by statutory provisions and so likewise the provisions relating to Native Authority prisons. Many of the provisions in the Part relating to prisons are practically identical with the provisions relating to Government prisons.

I think, Sir, that I have covered all the main points except one thing to which I will draw attention. That is that under the Native Authority Ordinance, 1933, the Governor has already made rules relating to Native Authority prisons, but it is provided in

this Bill that as and when any Native Authority in charge of a prison makes its own rules in respect of that prison, which rules must be made with the Governor's approval, the rules previously made by the Governor will cease to apply to that particular prison. Accordingly Native Authorities can gradually take over complete administration of the prisons which they maintain but which so far as standards under the rules are concerned are at present controlled from Lagos.

I think, Sir, I have said enough to show that this Bill marks a very definite advance in Indirect Rule in this country. It will enable Native Authorities to function far more efficiently and expeditiously, and as that is one of the chief aims of Government I have much satisfaction, Sir, in commending this Bill to the Council.

Sir, I beg to move.

The Hon. the Deputy Chief Secretary :

I beg to second.

Bill read a first time.

THE NATIVE AUTHORITY (SUBSTITUTION FOR NATIVE
ADMINISTRATION) ORDINANCE, 1943

The Hon. the Attorney-General :

Sir, I rise to move the first reading of a Bill entitled

An Ordinance to provide for the substitution of the term Native Authority for the term Native Administration where used in Legislation.

The Objects and Reasons set out why this Bill has been brought, but I think I might mention that the term Native Administration has not been used in legislation for several years. It was decided years ago that as the term was an indefinite one it should not be used in legislation; and it has not been for some years.

Sir, I beg to move.

The Hon. the Deputy Chief Secretary :

I beg to second.

Bill read a first time.

THE MEDICAL PRACTITIONERS AND DENTISTS (AMENDMENT)
ORDINANCE, 1943

The Hon. the Director of Medical Services :

Sir, I rise to move the first reading of a Bill entitled

An Ordinance to amend the Medical Practitioners and Dentists Ordinance, 1934.

The purpose of this Bill, Sir, is to enable Medical Students, who are now in the course of their studies under the new Regulations made in 1936 to be licensed and registered as Medical Practitioners after they have passed their final qualifying examination. Under the old Regulations students had a course of three years study at their medical school, and at the end of that period qualified as medical assistants. They then proceeded to Government hospitals throughout the country and worked for two years getting practical

experience, then returned for a further period of study of one year to enable them to sit the final diploma examination, after which they were eligible to be registered as practitioners. In 1936 the syllabus was altered to agree more closely with the syllabus of studies which is the custom in advanced schools in other countries. It is one of the steps we are taking for recognition of the school. Now students pass through the whole course of study and practical teaching at this school and when they pass their examinations at the end of five years they are qualified Doctors. At the forthcoming examination in April we hope some of the students will qualify, and this Bill allows them to be registered at once.

Sir, I beg to move.

The Hon. the Deputy Chief Secretary :

I beg to second.

Bill read a first time.

THE VENEREAL DISEASES ORDINANCE, 1943

The Hon. the Director of Medical Services :

Sir, I rise to move the first reading of a Bill entitled

An Ordinance relating to Venereal Diseases.

The purpose of this Bill is to provide, in areas of the country to which it may be applied, special powers to control and prevent the spread of venereal diseases. I do not think it is necessary for me to emphasise the need and desirability of special measures to control these diseases, which cause so much damage to the social fabric of the community, especially since nowadays both the public and the legislators of different countries are looking at this question and dealing with it in a more practical and commonsense way. The Bill before the Assembly to-day places an obligation upon sufferers from these diseases to seek treatment, and to continue that treatment until they are no longer a danger to others. It places an obligation on doctors, both civil and government, to give advice to people who are suffering from these diseases, to explain to them the nature of the disease, and to require them to continue being treated until they are no longer infectious. The Bill also places responsibility on parents and guardians to ensure that children under their care should have treatment until they are cured. It places responsibility also upon employers and employees to take certain measures, in certain types of employment, to prevent the transmission of infection to the people for whom they cater or whom they serve.

Well, so far as the provisions of the Bill go, Sir, the Bill to my mind is largely of an educative character. It places responsibility on people to obtain treatment, draws attention to the importance of these diseases, and also places responsibilities on the medical profession to ensure that treatment is adequate.

The Bill also has compulsory powers, and these powers of compulsion are provided to ensure that those people who do not carry out the instructions given by their doctor to continue treatment can be ordered to be detained and treated.

Sufferers from this disease, under a clause of the Bill, have the option of choosing whether they shall have their treatment from a private doctor or a Government institution. If they choose Government the treatment will be free of all charge.

A provision is incorporated in the Bill whereby persons who are by order detained for treatment can, if they feel perhaps their cure is not progressing speedily enough, call in at their own expense the services of another practitioner.

A clause of the Bill provides that in special areas where circumstances may be particularly bad, Your Excellency may issue an order that all persons in that area, or specified class of persons in that area, may be examined to ascertain the incidence of the disease, in order that special measures dealing with those circumstances can be organised and carried into effect.

Finally, Sir, the Bill in this somewhat delicate matter provides that all proceedings and notices and reports concerning the disease and persons suffering from the disease, are of a confidential nature, and that improper disclosure of such information shall be suitably punished.

Sir, I beg to move.

The Hon. the Deputy Chief Secretary :

I beg to second.

Bill read a first time.

THE RAILWAYS (AMENDMENT) ORDINANCE, 1943

The Hon. the General Manager of the Railway :

Sir, I rise to move the first reading of a Bill entitled

An Ordinance to amend the Railways Ordinance.

The Objects and Reasons expressed clearly the purpose of this amendment. There is only possibly one thing to be added, and that is to say the sudden removal of a railway servant while on duty if directly working trains would without doubt cause an accident or endanger the lives of travellers or train staff.

Sir, I beg to move.

The Hon. the Acting Financial Secretary :

I beg to second.

Bill read a first time.

Council adjourned at 12.29 p.m.

Council resumed at 2.30 p.m.

THE TOWNSHIP LOCAL AUTHORITY SERVANTS' PROVIDENT FUND
(AMENDMENT) ORDINANCE, 1943

The Hon. the Acting Financial Secretary :

Sir, I rise to move the first reading of a Bill entitled

An Ordinance to amend the Township Local Authority's Servants' Provident Fund Ordinance, 1942.

The object of this Bill is to assist public officers who are entrusted with the duty of collecting deposits from personnel in respect of contributions to the Provident Fund to have a complete list before

them. At present there is an original list amended from time to time by additions and deletions, which is very difficult to understand and may, in fact, be inaccurate.

Sir, I beg to move.

The Hon. the Comptroller of Customs and Excise :

I beg to second.

Bill read a first time.

THE GOVERNMENT SERVANTS' PROVIDENT FUND (AMENDMENT)
ORDINANCE, 1943

The Hon. the Acting Financial Secretary :

Sir, I rise to move the first reading of a Bill entitled

An Ordinance to amend the Government Servants' Provident Fund Ordinance, 1939.

This Council has already given a first reading to a similar Bill in connection with Townships, and the argument for this Bill is precisely the same.

Sir, I beg to move.

The Hon. the Comptroller of Customs and Excise :

I beg to second.

Bill read a first time.

THE PROVIDENT FUNDS (WAR SERVICE) DEPOSITS ORDINANCE, 1943

The Hon. the Acting Financial Secretary :

Sir, I rise to move the first reading of a Bill entitled

An Ordinance to make provision to regulate deposits in certain Provident Funds by depositors serving in His Majesty's Forces. The present law governing Provident Funds requires a person to contribute, and the Accountant-General to collect, contributions. This is a reasonably easy thing in ordinary circumstances, but during the war, in respect of personnel in the armed forces, it is extremely difficult and in fact may be impossible. Arrangements have been made with the military authorities to collect these instalments. They cannot always do it, and even if they do their collectors really have no statutory authority. We propose by this Bill to permit people who have not made any contributions, or insufficient or inaccurate contributions, to complete them within two years of their return from service to civil duty. And in order to make good any shortage of contributions by reason of their salaries having increased during the period of their service with the military, they are allowed to contribute another 15 per cent on the difference between their salary before they went away and that increased by their annual increments, when they return. I need hardly mention that the object of a round figure like 15 per cent is to avoid the calculations which would take place if we had to adjust every case individually.

I would add one thing more. I have now moved three Bills in connection with Provident Funds, and I wish to forestall any criticism about legislation of this nature by saying that Government

is commercial, and the fourth reason was that it could not afford it. In 1939 a draft Provident Fund Bill appeared in the Gazette, in which privileges were reduced from one-twelfth to one-twentieth, and the gratuity was cut out. That was in respect of new entrants. The Bill caused a considerable storm and was withdrawn and re-introduced in draft form. The one-twelfth contribution, Schedule I, remained, but a new Schedule was created embodying a large number of other men—about 4,700. Even that Bill—I was not present at the time but I recollect that it came in for considerable opposition also. In the face of that cutting of privileges a fresh controversy started and representations for pensionability. But there was a new factor that came in and that was that the payment of a lump sum was clearly accepted as bad, for it was held that so few opportunities existed for the investment of money that the money was squandered and spent, leaving people after 30 to 35 years service destitute. The old objections were therefore re-examined, and here I would like to make one point regarding a question, No. 41, on the 17th of March, 1942, and the answer allegedly in my name. Now I had never seen the question and it was answered by some form of ventriloquy for which I accept no responsibility. The matter at the time was under active investigation, and it was for that reason that I made no comment at the time. Investigations revealed that the previous objections were fallacious. It was quite wrong to refuse pension to some and not to others. It was untenable to say that the Railway could not afford it because the cost had never been examined before. On the expectation of an eleven years life it is held the extra cost of this measure will be between £10,000, £11,000 or £12,000 per annum over and above the present existing cost of our contribution to the Provident Fund. I may say the Provident Fund costs us that as we pay *pari passu* into the fund as the members pay their deposit, and that now costs us approximately £28,000 per annum. Insofar as our Provident Fund is concerned it is over half a million when combined deposits are taken into consideration. Therefore you can see that in starting this fund we are not starting from zero, we are starting with a very large sum of money in hand on which to base a sound solvent Fund. In the case of those who opt for pensions, compulsory deposits of the contributors will remain in the Fund and will be paid out to them when they retire, so they will have a benefit as if they had been participating in a compulsory savings scheme. It is certain that to hand out that money now in one lump sum would merely add to and increase the dangers of inflation.

There is another point that the Bill is providing for an amendment I think will be made in committee—and that is the men will continue to be able to obtain advances upon their money which will remain in the fund.

Another privilege which they will get by this pensionability is that there will be a restoration of deductions in their salary each month; in effect they are getting one-twelfth more. When these

things had been borne in mind the Secretary of State's sanction was sought to submit this Bill to the House.

I would like to add one thing more about it, and that is that the true comparison is not so much with other Government departments as with other Railways. I would say that we are ahead of other Railways in social progress in this measure in that whereas at home pensionability of railwaymen of this class described as salaried, supervisory and clerical, is a contributory superannuation scheme this is a pension scheme to which no contributions are made. What is known as uniform rates at home get nothing. In other colonial railways they get something. As noted here they will continue to get something.

Sir, I beg to move.

The Resident, Onitsha Province :

I beg to second.

Bill read a first time.

THE SUPREME COURT ORDINANCE, 1943

The Hon. the Attorney-General :

Sir, I rise to move the first reading of a Bill entitled

An Ordinance for the Constitution of a Supreme Court of Justice for the Colony and Protectorate of Nigeria and for other purposes relating to the Administration of Justice in Nigeria. This is an important Bill in many ways. It will simplify matters for everybody in the country; it will also simplify the work of this Council to a great extent, but while speaking on this Bill, Sir, I would ask Honourable Members to bear in mind the titles of the four bills following this on the Order of the Day and standing in my name. I refer to these Bills, Sir, because they are linked together, and it will be impossible for me to deal with one without to some extent referring either to the others or to the necessity for the others.

Our Supreme Court Ordinance, the existing one, was passed in 1914, nearly thirty years ago, and I do not think anyone will suggest it is a model of legislation; it is difficult to know where one really stands with it. It is also extremely difficult to know whether, when you are hearing of the Supreme Court, you are hearing of a Court presided over by a Judge or whether you are hearing of a Court presided over by a Magistrate. There has been no clear distinction in this country up to the present of what may be described as Superior Courts of Jurisdiction and Inferior Courts, such as Supreme and Magistrates Courts. We have Supreme Court Magistrates who all come under the Supreme Court Ordinance. Then in 1933, when the High Court was introduced in the Protectorate, in place of the old Provincial Courts we had a High Court and Magistrates Courts in the Protectorate. So the net result was, we have got legislation dealing with two Superior Courts of Justice and two different groups of Inferior Courts. Well, obviously the proper thing to do I think is for us to separate

those Courts, the Superior from the Inferior, and, at the same time, to see why they must remain separate. Our legislation refers time and time again to a Judge of the Supreme Court, a Judge of the High Court, Assistant Judge or Magistrate of the Protectorate Courts, or a Magistrate or Commissioner of the Supreme Court. These really boil down to two Courts, and the original idea of introducing this legislation was with a view of simplifying matters, because every time it was found necessary to amend any of the legislation relating to one Superior Court we had, of necessity, to pass another law referring to the other Superior Court. Then the same thing applied to the two groups of Inferior Courts. The High Court was not a Court of complete jurisdiction in that the Supreme Court had reserved to it about ten to twelve different subjects, and therefore the Supreme Court exercised jurisdiction in those respects throughout the whole country, even in the High Court areas, and this did result in quite definite confusion, until at times it would not be possible for ordinary persons to say under which particular Court they happened to be. The necessity for clarifying this having arisen, it was then considered advisable to sub-divide our legislation so as to have each particular matter dealt with in its own watertight compartment. For instance, an Ordinance to constitute the Supreme Court should not have in it provisions such as we have in the existing Supreme Court Ordinance providing for the taking of evidence. In the Supreme Court Ordinance you will find provisions dealing with taking the testimony of a child. That is nothing to do with the constitution of a Court. Then again I remember that that particular provision was not included in the High Court legislation, and in consequence there was a very serious murder case in which the accused—three of them—were obviously guilty but on appeal their appeal had to be allowed because they were convicted in the Protectorate on the unsworn testimony of a child, for which provision has not been made in the Ordinance. This Council subsequently made the necessary amendments.

This Bill before the Council, relating to the Supreme Court, is an Ordinance purely dealing with the constitution of the Court, the establishment of the Court. Look at the Parts. Part II, Constitution of the Supreme Court; Part III, Jurisdiction and law, Part IV, and so on. This Ordinance, as far as I can tell, is absolutely up-to-date, because we have borrowed, wherever possible, the language relating to the High Court of Justice in England. The language employed in this Bill is vastly superior, although I don't suppose I should say so, to the language of the 1914 Ordinance and the difficulties which have cropped up during the last few years and the various amendments found to be necessary, are all reproduced in this Bill. But there is one very important difference in this Supreme Court Bill to the existing Ordinance and that is that this is a Bill which will cover the whole of Nigeria. In other words, the Supreme Court constituted by this Bill will absorb the High Court, and from the bringing it into force of this

legislation there will be one Court of Superior jurisdiction throughout Nigeria, the Supreme Court of Nigeria. That cuts down the work of this Council in that respect by fifty *per cent* straight away. The Supreme Court will be the sole Superior Court of Justice throughout Nigeria. Then, so far as the Inferior Courts are concerned, we will no longer have Commissioners of the Supreme Court or Police Magistrates, no longer have Protectorate Magistrates Courts, but just Magistrates Courts throughout the whole country. The new Supreme Court will absorb the High Court and we will have one Court of Superior Jurisdiction throughout Nigeria and one court of Inferior Jurisdiction.

Honourable Members may wonder, Sir, what is going to happen to our Assistant Judges and the Judges of the High Court. That is provided for, Sir, in the constitution of the Court. This Court will now consist of a Chief Justice and a bench of 13 Puisne Judges. It means that the existing High Court Judges and Assistant Judges will have their titles of office changed and will become Puisne Judges. There is an important difference between some of the Puisne Judges. There is to be a Chief Justice, then a senior Puisne Judge, then a second, third and fourth Puisne Judge. The importance of that is that these officers will all hold office, under the Bill, in accordance with the terms of their appointments. The remainder of the Puisne Judges will hold appointment as at present according to the date of their appointment. There is that distinct difference—the first five posts,—Chief Justice and four Puisne Judges,—are specific appointments. If the third Puisne is transferred it will not mean of necessity that the fourth Puisne will go up to the position of the third. If that officer is to fill that appointment he must be promoted. The object of that is that if it is ever necessary the upper ranks of the Supreme Court bench can be strengthened by the introduction of men of vast experience from other places, whereas if we were to have them all taking seniority according to the date of appointment you will never find a first-class man being prepared to come here and go to the bottom of a bench of thirteen. The Puisne Judges of the present Supreme Court will become the Senior Puisne Judges if they are appointed to those appointments in the new Supreme Court, and the High Court and Assistant Judges will become Puisne Judges after the others but taking their seniority according to the date of their original appointments. Provision is also made that the senior Puisne will be in effect a Deputy Chief Justice. Our own Chief Justice is frequently absent from Nigeria, or should I say infrequently present in Nigeria! but under this Bill when the Chief Justice is away on duty it will not be necessary to appoint an Acting Chief Justice; all the powers will automatically devolve on the Senior Puisne, who is appointed to that post because he is of outstanding ability. In other words, we can classify him as a Deputy Chief Justice.

There is just one other point. I mentioned that the Supreme Court would absorb the High Court, and therefore in point of fact

magistracy is simply tacked on. I do not think I need say any more, Sir, but I would like Honourable Members to bear with me and turn to clause 68. This, I think Sir, is really a very enlightened clause. It is a thing I do not like seeing in legislation and I have taken steps to some extent to avoid it—"Where in any Ordinance" I think, Sir, members will appreciate the fact that by that clause, a tremendous clearing up in and a simplification of our legislation will follow on the coming into operation of this Ordinance.

Then, Sir, if I may go back to the Bill for the Supreme Court Ordinance for a second. We have throughout our volumes of legislation innumerable sections in which the Supreme Court is coupled with the High Court. For anyone experienced in law it is easy to understand, after our new Supreme Court Ordinance is in operation, that references to the Supreme Court in legislation and also all references to the High Court will mean references to our new Supreme Court, but it will not be so simple for the man not fully trained or experienced to follow the exact meaning of any provision and I have therefore prepared a Table of amendment to all our Ordinances to which I would now draw attention. I did not have time to include this as a Schedule to the Supreme Court Bill, but I propose to ask that these Bills should be referred to a Select Committee and this Table will be incorporated then as a Schedule. Honourable Members will see that hundreds of minor amendments are necessary in our Statute Book. It has been rather laborious preparing this, but we are making definite progress and clearing up a certain amount of chaos that at present exists. On the third page of the Table, Sir, you will find we had will to put a section in there, but if the Bill is amended in Committee we may have the wrong number. For that reason I have just had inserted something "AAAA" which is bound to catch the eye but which is of course a nonsense, so that when the Bill is in committee we can insert the correct section in its right place.

Sir, I beg to move.

The Hon. the Solicitor-General:

I beg to second.

Bill read a first time.

THE JURY ORDINANCE, 1943.

The Hon. the Attorney-General:

Sir, I rise to move the first reading of a Bill entitled

An Ordinance relating to Jurors and Trial with a Jury.

This again, Sir, is designed with the intention of putting before the Court in one Ordinance all those provisions which relate to trial by jury when it is necessary for a trial to take place with a jury. At the present moment some of these provisions appear in the Supreme Court Ordinance and others appear in the Criminal Procedure Ordinance but nowhere have we got them together where they can be seen clearly and nowhere are they set out completely.

The existing Law only covers a matter of about thirty sections while this particular Bill runs to ninety. Honourable Members may wonder, Sir, why I take this course of action, why not include it in the Criminal Procedure Ordinance as it is a matter with which the Supreme Court will have to deal. The first reason for this is simplification and clarity, and secondly if we have this as a separate Ordinance it will not get in the way of those judges who do not have to use it. At the present moment trial by jury only takes place in Lagos and, therefore, the only members of the bench who need be concerned with this particular Ordinance are those stationed in Lagos. It is, therefore, quite unnecessary to burden a Procedure Ordinance with all the provisions contained in this Jury Ordinance when those provisions are restricted in their use to a limited number of judges.

In this Bill there is set out for the first time the actual procedure governing the jurors in trial by jury from the time when a jury is required until the trial is over and the jury are discharged. The methods of putting a case before the Court are given in detail because they differ somewhat from normal procedure.

We come now to the innovations. Up to the present when a jury is required a large number of persons are summoned and names drawn out of a box. In certain instances that I know of, not in Nigeria, it was found possible under these conditions to pack a jury. If a dishonest officer of the Court wished to get a particular jury he was able to turn down the corners of the cards before they were put in the box, and in that way pack the jury. The procedure now obtaining elsewhere is that numbered round counters are used drawn by hand out of box and as the edges cannot be felt this is as near perfection as is possible. Only numbers will be drawn and the judge himself will be in possession of the jury list with the numbers against the names of the jurors. This, as I say, is an innovation in this country and is now being introduced as the result of rather bitter experience in another country. This is, however, only a matter of procedure.

Now a very important departure is in the number of a jury. The existing number is twelve and the unanimous verdict of the twelve is required before a man can be either acquitted or convicted. In many countries they do not stick to the twelve; they choose a lesser figure or, in some cases, they retain the twelve but have majority verdicts. I have served in three countries where majority verdicts are used and I do not think there has ever been the slightest question of a miscarriage of justice, so far as conviction is concerned. The provisions of this Bill provide for a jury of twelve in all capital offences and further that that jury must give a unanimous verdict, but it provides also for a jury of eight in all other cases and it also provides that the Court can take a majority verdict of six to two or, of course, seven to one if the jury have been deliberating for two hours. Some people seem to have an idea that if one man can rightly or wrongly stick out

got to search through our books, and legal reports, etc. often only to discover that the provision happens to be English statute law which has neither been applied to nor reproduced in Nigeria. This is extremely unsatisfactory and it is extremely difficult if not impossible for those without law libraries to turn to ascertain what the law of evidence really may be. I think it must be a practically impossible task for the law of evidence to be administered at all accurately throughout the country. Individual officers have undoubtedly been doing their duty but without the necessary assistance.

Therefore, Sir, when we decided not to include in the Ordinance constituting the Supreme Court matters extraneous to the constitution of the Court we were faced with two alternatives: either with reproducing in Nigeria all our existing local provisions together with that part of the English statute law not yet applied but which should be applied or producing a complete Law of Evidence. It was considered that it would be simpler for those who would have to use it to have a complete Ordinance and, therefore, Sir, this work was undertaken. It was a very large task. It has over two hundred clauses but I have prepared a summary for Honourable Members, had it printed, it is before members and I would ask them now to turn to it. It consists of twenty-eight pages. It is headed 'Table showing in certain cases where the provisions of the clauses of the draft Bill for the Evidence Ordinance, 1943, will be found'. The first column is headed 'Clause in draft Bill'; the second, 'Straits Settlements Evidence Ordinance (1893 Cap. 13)'; the third, 'Article in Stephen's Digest of Law of Evidence (12 Edition) 1936'; the fourth, 'English Statutes'; the fifth, 'Local Ordinances'; the sixth, 'Rules of Supreme Court' and the seventh, 'Remarks and other Derivations'.

I want to invite the attention of Honourable Members to the second column, 'Straits Settlements Evidence Ordinance (1893 Cap. 13)'. About three months ago I was in my chambers and happened to make some remark to the Solicitor-General about the phraseology used in legislation dealing with these confessions or admissions. That is Mr. Howe produced the Straits Settlements Evidence Ordinance mentioning that it was set out very clearly in that Ordinance and showed me the provision about which we were speaking. To my surprise I found that the section was practically identical with that I had got in the Bill which I had prepared and which is now being considered. I then glanced through the Ordinance and saw that it was very similar in a hundred and one respects to our Bill and clearly showed that the draftsmen in the Straits Settlements had worked from the same principles. I then went completely through the Straits Settlements Ordinance, it is not as exhaustive as this containing only one hundred and sixty clauses, but I was able to make several slight modifications in the phraseology used in our draft so as to bring our clauses into line

with the clauses that are already worked satisfactorily in another country. I did not follow those of British Guiana or the Bahamas because I did want to work from new principles. In the second column of the Table Honourable Members will see where the different provisions will be found in the Straits Settlements Ordinance. Honourable Members will also see that most of the provisions also appear in Stephen's Digest of Law of Evidence. I want Honourable Members to realise that this is not a matter which has been easily done, not just a lot of clauses used elsewhere just jumbled together, but it has entailed a lot of research work. I feel, therefore, that if Honourable Members will take the trouble to look at this table they will appreciate that they can with confidence accept this Ordinance realising that the principles are sound, are working elsewhere and that they have been based almost entirely on English Common Law or Statute. I cannot promise there are no mistakes; but I do feel that any mistakes which there are can only be proved in practice; there are no mistakes which can be seen by a cursory glance or even by a fairly close examination. I would like also to add, Sir, that in an endeavour to make this Ordinance complete we have incorporated as law many of the decisions of the recent leading cases in England and I will draw attention to one. If Honourable Members will turn to clause 219 they will see what I mean. This is a very important matter affecting State documents and I do not think any Member of this Council could have correctly answered if I had asked him about this. This clause, 219, contains the actual words used by their Lordships in the House of Lords in the case of *Duncan v. Cammell Laird and Co., Ltd.* Honourable Members will remember the loss with nearly 100 lives of His Majesty's submarine "Thetis" in Liverpool Bay shortly before the outbreak of war. The relatives of some of those lost brought an action against Messrs Cammell Laird and Co., Ltd. and they wished to have produced in court certain documents relating to the construction of the ship and certain other matters which it might be inadvisable to have discussed in public. The Secretary of State for the Admiralty, although not a party to the action, sent an affidavit to the court stating that these documents contained secret matters of State importance and they were not matters which should be disclosed. Upon the receipt of this affidavit an argument developed as to whether or not the mere statement by the Secretary of State that these documents contained State matters which should not be disclosed should be accepted without further examination or whether the court should itself examine them first and then decide whether or not the documents should be admissible in evidence. This question went on appeal to the House of Lords and it was there laid down in the case mentioned in the last column of the printed Table that if responsible officers of the Crown stated the information was such that it should not be disclosed then that was sufficient and was binding on the court and the court could

not enquire into the matter further by examining the documents and deciding for itself as to whether or not the information should be disclosed. If that question should have cropped up here I wonder how many Honourable and Learned Members would have been able to give the correct answer and if they would have difficulty how much more so would it be difficult for our magistrates scattered throughout the country without books of reference available; they would not know what to do but by the provision of this clause, 219, in this Bill that point is not only cleared up but it is actually stated to be the law of Nigeria.

The above is an example of the way in which this Bill should help and the Bill is, I believe, reasonably complete.

I might perhaps give another example which I hope to get inserted in select committee. Nearly everybody is aware that the evidence of an accomplice should be corroborated although in certain cases this is not absolutely essential. Suppose, however, that two men are charged with committing an offence and one gives evidence admitting he did it and stating at the same time that the other accused is implicated and gives evidence to that effect. Is the first accused an accomplice or is he not? In other words does his evidence require corroboration? How many of our practising counsel, magistrates and even in some cases, judges would be able to give the answer straight away? The answer is "no" and has been "no" for many years but it has recently been reiterated by the Court of Criminal Appeal in England in the case of *Rex v. Barnes & Richards* 27 C.A.R. 154, this was in 1940 and in that case it is stated definitely that the rule requiring the evidence of an accomplice to be corroborated only applies to those cases where the accomplice himself is not prosecuted but is accepted as a witness for the prosecution. This statement of law will be set out as a sub-section to clause 176.

I mentioned these as examples because I want Honourable Members to realise if this Bill, with all these little provisions which exist but are very difficult to find, is placed on the statute book it should prove to be of very great assistance to all judges, magistrates and those others whose business takes them in the courts.

I should like to say something in general about these five Bills, and that is I appreciate that Honourable Members have not had very much time to consider them, but the last thing I want Members to feel is that these Bills have been turned out in a rush and thrown before this Council. They have been worked on for a term of years—I think some members know that—and I had hoped to have been able to make a complete job of these and other related Bill, but the other legislation is still in draft form, under consideration and it will take some time before they are ready for Council. I would like members to appreciate that when these Bills, other than the Criminal Procedure (Amendment) Ordinance, were first drafted they were circulated to all Judges and Magistrates, whose

criticisms were received and examined. The Bills were then re-drafted in consequence, giving effect to those criticisms where they were of value, and reconsidered yet again. After that stage the draft legislation, other than the Criminal Procedure (Amendment) Bill and the Evidence Bill, went to England. It was considered by experts in England, it has come back here, and we have had the benefit of the advice of those experts. Then again, Sir, copies of these Bills have been circulated, not officially, to some of the leading members of the Bar in Lagos, and we have also had the benefit of their observations on them. I have said that the Evidence Bill did not go to England. The principle of introducing this particular Bill, Sir, had been approved as long ago as 1937, because on leave in that year I obtained in England certain material for use in drafting it. It was then drafted, an officer being detailed, after the outline had been laid out to devote his time to this alone, and that was a matter of weeks. It was then revised and went to the Chief Justice, who asked that it should have a table showing where every clause had come from. I felt that rather hard but still a table was produced, rather similar to that before members now. The Bill was then again considered and printed. Printed copies were circulated to all of the Judges and Magistrates, their subsequent observations were dealt with in detail, and the Bill reprinted as a result. After being reprinted it was again considered in that form from a to z, the main defects noted and then again reprinted. It was at that stage members of the Bar in Lagos saw it. Certain mistakes chiefly typographical were noted at the time and they have been put right in the copy now before members of the Council. I mention all this because I want Honourable Members to appreciate that there really is definite work in this; I really believe it is something good and that though I know the time during which they have had to consider it is short I doubt whether a cursory examination or even an examination in detail by laymen will show many defects, more so when one realises that this Bill has been worked on apart from our judicial and magisterial officers by officers of the legal department with experience in the courts of England, Ireland, British Honduras, British Guiana, Jamaica, Barbados, Malaya, Granada, Nyasaland, Bahamas, Gold Coast, Kenya, Gibraltar, Nigeria and other territories and they have not found much wrong with it.

Sir, I beg to move.

The Hon. the Solicitor-General :

I beg to second.

Bill read a first time.

THE TRADE UNIONS (AMENDMENT) ORDINANCE, 1943

The Hon. the Deputy Chief Secretary :

Sir, I rise to move the first reading of a Bill entitled

An Ordinance to amend the Trade Unions Ordinance, 1938.

Honourable Members will remember that Trade Union legislation was first introduced in this country in 1938. The date of commencement was the 1st of April, 1939, but the first Trade Union was actually registered on the 17th of January, 1940; that was No. 1, and is the Railway Workers Union. Since the original legislation there has been one amending legislation in 1939, but that was mainly explanatory and did not deal with any first principles.

Your Excellency stated, when Trade Union legislation was first being introduced, that Nigeria was in its industrial infancy, that we had got a great deal to learn and that we would learn gradually by our mistakes. Well, no doubt that is true to some considerable extent, and the amendments which I am introducing in Council to-day are an attempt to right some of those mistakes which have been made.

I mentioned that the first Trade Union was registered in January, 1940, and to-day as Your Excellency mentioned, we have no less than eighty-five Trades Unions in Nigeria. The Labour Department asks itself whether the existence of those eighty-five Unions in Nigeria is in itself a good thing and indicative of progress made in the right direction by the Trades Union movement. I regret to say that the answer I am afraid is no. In the Gold Coast, during the same period, or a period slightly longer, there have been introduced either four or five Trades Unions as against eighty-five introduced into Nigeria. Those four or five Trade Unions in the Gold Coast—I mention this because I was in the Gold Coast not long ago and had a long discussion with the Trades Union officials there and with the Commissioner of Labour—are definitely on a good sound basis and they can go steadily ahead, their numbers increasing, but increasing slowly and in a methodical manner. We cannot possibly hope that in the eighty-five Trade Unions we have in this country we have not got a good many which are really not worth their salt. A number of these Trade Unions might be described as *ad hoc* institutions which were created for some definite purpose and, having failed in that purpose, sank back into obscurity. Others again have, I am afraid, been introduced by people who are most interested in acquiring political power and whose first interests are in their own aggrandisement and not in the benefit and advancement of Trade Unionism. They depend largely on windy eloquence, they make preposterous demands and suffer from an utter lack of responsibility. These so-called Trade Unions thrive in an atmosphere of hate and distress, and the last thing in the world that they want is to find a way of improving relations with employers. I am not for a moment suggesting that this black picture applies to the majority of Trade Unions in Nigeria, but I do wish to emphasise the fact that because we have eighty-five Trade Unions in Nigeria, against four or five in the Gold Coast, it does not necessarily show that we have been going ahead in a

very good way as opposed to a sister colony which has been standing still.

It will be of interest here to mention, if I may be permitted, a quotation from a very recent report of Sir Frank Stockdale, Comptroller for Development and Welfare in the West Indies, published during the present year. In this, speaking of Trade Unionism, he states:—"While the law relating to trade unions is reasonably up to date in the British West Indies, there has been a tendency to establish a number of small trade unions rather than to have fewer and stronger unions. It is anticipated that these tendencies will tend to disappear with greater experience and that the trade unions will throw up more and more competent leaders from within. It is probable that purely self-seeking persons and political careerists will become less common in trade union offices and that men with experience and sincere devotion to the trade union movement will come forward."

Well, as regards Nigeria, I have little doubt that what is true of the West Indies will prove true here also. We have been going through growing pains, and I look forward from now on to steady progress of trade unionism in the right direction. At the same time I would like to make an appeal to employers to create and maintain best possible relations with the Trade Unions with whom they may come in contact. I am not suggesting that the majority of employers do not do so, but I do suggest there are a number who could save themselves a great deal of trouble and help on the general cause of Trade Unionism very much if they adopted from the beginning a sympathetic attitude towards the Trade Unions with which they come in contact.

With reference to the actual Bill which is now before Council, first of all clause 2 (a) prohibits members of the Police Force or members of the Prisons Department or any Native Administration Police from being members of a Trade Union in future. I do not know whether it is necessary for me to explain why this should be necessary, but it is a self-evident fact that the Police are a body whose first duty is towards the public, to maintain law and order. The public are entitled to demand that no action should be taken which could possibly interfere in any way with the performance of their first duty.

As regards Prison Warders, their duty is to keep in safe custody those who have offended against the law and are being punished in consequence. It is again their duty towards the public to see that these persons, individually or collectively, are not in a position to be a menace to the peace and security which the public is entitled to enjoy.

As they have not been permitted to enjoy the privileges of Trade Unionism, it may be asked what takes the place of this. In regard to Warders, it is a fact that some little time ago they did form themselves into a Union, which was ill-conceived and ill-led, and which collapsed very shortly after it first came into being. The

Under the West African Court of Appeal Ordinance, 1933, the West African Court of Appeal is authorised to hear appeals in respect of matters which come within the provisions of that Ordinance. There is a mistaken idea that an appeal lies in general to the West African Court of Appeal. There may be instances other than those set out in the West African Court of Appeal Ordinance in which it is desirable that an appeal should lie to the West African Court of Appeal and if any such case arises it should be stated in the Ordinance in question that an appeal does so lie. If that only is done, however, it will not in strict law give the Court of Appeal the necessary jurisdiction unless there is something in the Court of Appeal Ordinance itself which authorises the court to entertain such appeals. Accordingly this brief amendment is intended to provide that where in any Ordinance it is stated that an appeal shall lie to the Court of Appeal the Court will have jurisdiction to entertain that appeal.

We have had an example of that only this morning. My Honourable friend, the Financial Secretary, when speaking on the Income Tax Bill touched on the subject of appeals and there is provision in that Bill for an appeal to lie to the West African Court of Appeal. This Bill now before the Council is the Bill which will authorise the Court of Appeal to hear any such appeals.

There are, of course, other instances in which it will be desirable for the Court of Appeal to entertain appeals and they can now be dealt with in their own separate Ordinances as and when they arise.

THE LAND AND NATIVE RIGHTS (AMENDMENT) ORDINANCE, 1943
His Honour the Chief Commissioner, Northern Provinces :

Sir, I beg to move the first reading of a Bill entitled

An Ordinance to amend the Land and Native Rights Ordinance (Chapter 85).

Some members may be rather surprised it is necessary to amend a law which has only been for such a short while in force, but the present law has been found to be cumbersome and inconvenient. That is bad at any time, but at a time like this, when it is desirable to get tin out of the country as quickly as possible, it is nothing short of criminal.

The Bill before the House greatly simplifies the procedure necessary for the grant of wayleave, but at the same time protects as fully as the existing law the interests of anyone affected by the grant of a wayleave licence.

Sir, I beg to move.

The Senior Resident, Oyo Province :

I beg to second.

Bill read a first time.

THE MINERALS (AMENDMENT) ORDINANCE, 1943
His Honour the Chief Commissioner, Northern Provinces :

Sir, I beg to move the first reading of a Bill entitled

An Ordinance to amend the Minerals Ordinance.

In this case the Objects and Reasons coming at the end of this Ordinance are so lucid and so full that it is unnecessary for me to repeat them. I can add nothing to them. I therefore commend this Bill to your support, and beg to move.

The Senior Resident, Oyo Province :

I beg to second.

Bill read a first time.

The Hon. the Attorney-General :

Sir, I beg to give notice that all the Bills this day read a first time will be read a second time and carried to completion at a subsequent meeting of this Council.

Council adjourned at 4.25 p.m.

Debates in the Legislative Council of Nigeria

Tuesday, 16th March, 1943

Pursuant to notice the Honourable the Members of the
Legislative Council met in the Council Chamber, Lagos,
at 10 a.m. on Tuesday, the 16th of March, 1943.

PRESENT

OFFICIALS

- The Governor,
His Excellency Sir Bernard Bourdillon, G.C.M.G., K.B.E.
- The Chief Secretary to the Government,
The Honourable A. W. G. H. Grantham, C.M.G.
- The Chief Commissioner, Northern Provinces,
His Honour Sir Theodore Adams, Kt., C.M.G.
- The Chief Commissioner, Western Provinces,
His Honour G. C. Whiteley, C.M.G.
- The Chief Commissioner, Eastern Provinces,
His Honour G. G. Shute, C.M.G.
- The Attorney-General,
The Honourable H. C. F. Cox, K.C.
- The Acting Financial Secretary,
The Honourable C. Watts.
- The Director of Medical Services,
Dr the Honourable J. W. P. Harkness, C.M.G., O.B.E.
- The Acting Director of Education,
The Honourable C. R. Butler, O.B.E.
- The Director of Marine,
Commander the Honourable A. V. P. Ivey, C.B.E., R.D.,
R.N.R.
- The Comptroller of Customs and Excise,
The Honourable A. E. V. Barton, C.B.E.
- The Deputy Chief Secretary,
The Honourable T. Hoskyns-Abrahall, C.M.G.
- The Senior Resident, Oyo Province,
The Honourable H. F. M. White, C.M.G.
- The Resident, Onitsha Province,
The Honourable D. P. J. O'Connor, M.C.
- The General Manager, Nigerian Railway,
The Honourable C. E. Rooke.
- The Director of Public Works,
The Honourable S. J. W. Gooch.
- The Director of Agriculture,
Captain the Honourable J. R. Mackie, C.M.G.
- The Honourable W. C. C. King,
Commissioner of Police (Extraordinary Member).

- The Honourable G. L. Howe,
Solicitor-General (Extraordinary Member).
The Honourable E. C. Crewe,
Postmaster-General (Extraordinary Member).
The Honourable E. A. Miller,
Commissioner of Labour (Extraordinary Member).
The Honourable G. B. Williams, M.C.
Commissioner of the Colony (Extraordinary Member).

ABSENT

- The Senior Resident, Plateau Province,
The Honourable E. S. Pembleton, C.M.G.
The Senior Resident, Kano Province,
The Honourable J. R. Patterson, C.M.G.
The Senior Resident, Sokoto Province,
Comdr. the Honourable J. H. Carrow, D.S.C., R.N.
(rtd.)
The Resident, Benue Province,
The Honourable D. M. H. Beck, M.C.
The Resident, Katsina Province,
The Honourable R. L. Payne.
The Resident, Zaria Province,
The Honourable F. M. Noad.
The Resident, Calabar Province,
Major the Honourable H. P. James.
The Resident, Ondo Province,
Major the Honourable J. Wann.

UNOFFICIAL MEMBERS

- The Member for the Ibo Division,
The Honourable B. O.-E. Amobi.
The Member for the Rivers Division,
The Honourable S. B. Rhodes, C.B.E.
The Member for Calabar,
The Rev. and Honourable O. Efiang.
The Member for the Ibibio Division,
The Honourable N. Essien.
The Member for the Ijebu Division,
Dr the Honourable N. T. Olusoga.
The First Lagos Member,
The Honourable H. S. A. Thomas.
The Mining Member,
Lt.-Colonel the Honourable H. H. W. Boyes, M.C.
The Commercial Member for Kano,
The Honourable W. T. G. Gates.
The Second Lagos Member,
The Honourable Jibril Martin.
The Commercial Member for Lagos,
The Honourable J. F. Winter.
The Third Lagos Member,
The Honourable Ernest Ikoli.
The Member for Shipping,
The Honourable G. H. Avezathe.
The Member for the Colony Division,
The Rev. and Honourable T. A. J. Ogunbiyi.
The Member for the Egba Division,
The Honourable Olaseni Moore.

The Member for the Cameroons Division,
The Honourable J. Manga Williams.
The Commercial Member for Calabar,
The Honourable W. V. Wootton.
The Member for the Ondo Division,
The Rev. and Honourable Cannon L. A. Lennon, M.B.E.
The Commercial Member for Port Harcourt (Provisional),
The Honourable John Crawford.
The Banking Member (Provisional),
The Honourable K. M. Oliver, M.C.

ABSENT

The Member for the Warri Division—(Vacant).
The Member for the Oyo Division—(Vacant).

PRAYERS

His Excellency the Governor opened the proceedings of the Council with prayers.

CONFIRMATION OF MINUTES

The Minutes of the meeting held on the 15th of March, 1943, having been printed and circulated to the Honourable Members were taken as read and confirmed.

PAPER LAID

The Hon. the Chief Secretary to the Government:

I beg to lay the following paper on the table:—

Report of the Select Committee appointed to consider the motion of the Honourable the Third Lagos Member regarding the financial position of Private Schools in Nigeria and the grant of recognition to them by way of payment of grants for their upkeep and maintenance.

QUESTIONS

NOTE.—Replies to Questions Nos. 22 and 27 by the Honourable the Member for the Rivers Division, Nos. 43 and 44 by the Honourable the Member for the Ijebu Division, Nos. 49 and 50 by the Honourable the First Lagos Member, Nos. 52 and 53 by the Honourable the Member for the Ibo Division, No. 55 by the Honourable the Member for the Calabar Division, No. 73 by the Honourable the Member for the Ibo Division, Nos. 75-79 and 81 by the Honourable the Third Lagos Member, Nos. 82-88 by the Honourable the Member for the Ijebu Division, and Nos. 89 and 91 by the Honourable the Third Lagos Member, are not yet ready.

The Member for the Colony Division (The Rev. & Hon. T. A. J. Ogunbiyi):

35. In view of the facts that the European vested interests (Banking, Mining, Commercial) in the Northern Provinces of Nigeria are represented in our legislature and in view of the facts also that African interests in the Northern Provinces of Nigeria are not represented in our legislature (except that the Residents represent the official view and interests), whether Government would not now kindly consider that the interests of the common populace in the Northern Provinces of Nigeria be now represented by some Africans in our legislature as is obtaining in most parts of the Southern Provinces?

Answer—

The Hon. the Chief Secretary to the Government:

The question raised by the Honourable Member is already receiving the active consideration of the Governor.

The Member for the Colony Division (The Rev. & Hon. T. A. J. Ogunbiyi):

36. (a) What is the necessity for a Resident of a Province in the North to issue a CERTIFICATE OF ELIGIBILITY to a Missionary going away on leave to the effect that there is no POLITICAL OBJECTION for the particular Missionary to return to his work after the expiration of the Missionary's vacation leave when that Missionary is not a foreign Missionary (Chapter XX page 97 of the Northern Provinces Office Guide) and what are the political consideration which would entitle a Missionary to return to his work in the Northern Provinces?

(b) What are the conditions required of a Missionary before the Resident and the Education Authority would allow him (Missionary) to open a mission school in any part or District of the Northern Provinces?—*vide* Part C of Chapter XX, the Northern Provinces Office Guide.

(c) Is it a fact that permission to open Missionary schools and to admit the indigenous Natives to English speaking schools is conditional on the basis of the declaration made on the form of application, *i.e.*, "whether or not it is proposed to teach English"? *vide* paragraph 10 Part C, Chapter XX of the Northern Provinces Office Guide.

(d) What is the necessity of the Manager of a school or the Resident first to obtain the consent of parents or guardians of natives of the Northern Provinces before such indigenous natives are admitted to a school opened expressly for natives other than natives of the North?—*vide* paragraph 11 Part C, Chapter XX.

Will the Government of Nigeria now consider the desirability of removing all these disabilities and discrimination against the natives of the Northern Provinces in respect of their admission into the English speaking schools?

Answer—

The Hon. the Chief Secretary to the Government:

(a) The attention of the Honourable Member is invited to section 10 of the Immigration Restriction Ordinance which reads as follows:—

"The Immigration Officer shall furnish every immigrant who shall appear to be a fit and proper person to be received as an immigrant with a certificate in the prescribed form".

In order that the Immigration Officer may be satisfied that a person does not come within the definition of a prohibited immigrant and that he is a fit and proper person to enter Nigeria, it is necessary that he should have an official document to show that there is no objection to the entry of the person. The operation of this Ordinance is not, of course, confined to missionaries.

(b) There are three main conditions required, firstly, that there are not already adequate facilities for education in the area: secondly, that the Native Authority and the local population are in favour of the proposal: and thirdly that the Resident and the Education Department are satisfied with the technical side of the proposals made.

(c) Yes, Sir. The opening of mission schools in which English is to be taught requires prior approval: the education policy for the Northern Provinces requires that the first stages of the education of a child should be in the vernacular, but the fact that English would be taught in higher classes does not prevent the opening of a school.

(d) The sanction of a parent or guardian is properly sought for the admission of a child into any school. There are in fact no disabilities nor discrimination to be removed.

The Member for the Colony Division (The Rev. & Hon. T. A. J. Ogunbiyi):

38. (a) Is slave institution in the Northern Provinces of Nigeria still officially recognised by the Nigerian Government?

(b) If the answer to (a) is in the affirmative, to ask what steps have been taken by Government to abolish in all its entirety such inhuman institution after forty-two years of British administration in the Northern Provinces of Nigeria?

(c) If the answer to (a) is in the negative, to ask what is the meaning of the following rider in the Northern Provinces Office Guide, page 62, Chapter X, *i.e.*, "NO PERSON OF THE STATUS OF SLAVERY CAN BE APPOINTED", with reference to the appointment of Chiefs in the Northern Provinces?

Answer—

The Hon. the Chief Secretary to the Government:

(a) No, Sir.

(b) Does not apply.

(c) The rider has no practical application at the present day.

The Member for the Ibo Division (The Hon. B. O.-E. Amobi):

54. To ask the Honourable the Chief Secretary to the Government:—

(a) Whether he is aware of an agreement dated 25th June, 1898, between the Royal Niger Company, Limited, and Umutchezi Umuleri for a parcel of land known as Otuocha?

(b) Is it a fact that by virtue of an agreement dated 1st January, 1900, the said land was transferred to His Majesty's Government, and that all lands so acquired have since been surrendered to their respective owners?

(c) If so, was this land known as Otuocha surrendered to the people of Umutchezi Umuleri? If not, why not?

Answer—

The Hon. the Chief Secretary to the Government:

(a) Yes, Sir.

(b) By the agreement dated the 1st January, 1900, the interests which had been conveyed to Royal Niger Company, Limited, by the agreement referred to in (a) were transferred to His Majesty's Government. Since that date these interests have not been transferred to anybody.

(c) Does not arise, but, for the information of the Honourable Member, it may be stated that the Government future policy as regards the land in question is under consideration.

The Member for Calabar (The Rev. & Hon. O. Efiang):

56. Inviting Government's attention to the second editorial in the *West African Pilot* of Friday, the 23rd of October, 1942, to ask the Honourable the Chief Secretary to the Government,

(a) Whether there is any truth in the allegation that the immigration laws of the Union of South Africa are such that it is difficult for any native of Nigeria, armed with passport, to land in any part of the Union of South Africa in order to transact legitimate business?

If so, will the Government of Nigeria take proper and timely steps, through the Right Honourable the Secretary of State for the Colonies, to have this disability removed?

Answer—

The Hon. the Chief Secretary to the Government:

(a) Difficulty is experienced by Nigerians in obtaining admittance to the Union of South Africa but this is not peculiar to Nigerians as the same difficulty is experienced by persons of all nationalities until they can prove to the satisfaction of the Union Government that their visit is necessary to the war effort.

(b) No, Sir. Similar restrictions are imposed by all countries in time of war.

The Member for Calabar (The Rev. & Hon. O. Efiang):

57. Inviting Government's attention to Press report on page 5, column 3, of the *Nigerian Eastern Mail* of the 14th November, 1942, which states that during the sitting of the Niger Delta Pastorate Mission Board about sixty teachers under this organisation resigned from the service of that Mission, to ask:—

(a) Whether it is a fact that about that number of teachers did resign?

(b) Is Government aware of the resignation of teachers from many assisted schools in such large numbers that many of these schools have suffered disastrously?

(c) Is it true that unsatisfactory conditions of service of teachers are responsible for the resignation of these teachers?

(d) What step has Government taken or proposes to take in the near future to remedy this unsatisfactory state of affairs?

(e) *Disallowed.*

Answer—

The Hon. the Chief Secretary to the Government:

(a) No detailed information has been received from the Mission concerned.

(b) Government is aware that a number of teachers have recently resigned from several assisted schools and that the efficiency of these schools has thereby been impaired.

(c) The unsatisfactory conditions of service of these teachers have partly accounted for the resignations, but the higher rates of pay offered by some war-time employments have also been responsible.

(d) The proposals in the Ten Year Development Plan (now receiving the consideration of the Secretary of State for the Colonies) for new and improved salary scales for certificated and "special register" teachers employed by voluntary educational bodies approved for grants and for a Provident Fund for these teachers are designed to remedy the situation.

The Member for Calabar (The Rev. & Hon. O. Efiang):

59. (a) Is it a fact that the Education Officer Mr Quinn-Young, recommended the Enitonna High School, Port Harcourt,

for a share in the £26,000 grants and that under his direction, the necessary forms were filled and submitted to the correct authority?

(b) If the answer to (a) is in affirmative, will the Honourable the Director of Education kindly state whether the recommendation that Enitonna High School should participate in the £26,000 grant was acted upon favourably or not?

(c) If not favourably considered, will the Director of Education please give reasons why that recommendation was turned down?

Answer—

The Hon. the Acting Director of Education:

(a) The Enitonna High School, together with other schools, was sent a questionnaire for completion and return to the Education Department. On receipt thereof the Director decided that the School was not eligible for participation in the grant. The Senior Education Officer, Mr Quinn-Young, was not required to make any recommendation and did not do so.

(b) and (c) Do not therefore arise.

The Member for the Egba Division (The Hon. Olaseni Moore):

60. To ask His Honour the Chief Commissioner, Western Provinces:—

(a) Is it true that the Government recently appointed a Committee to enquire into the conditions of Native Administration Service? If so, what was the personnel of the Committee, and what were the terms of reference?

(b) Has the Committee finished its work and submitted a report? If so, when will the report be laid on the table of this House or officially released to the members of the Native Administration Staffs Union.

(c) What, if any, are the impediments in the way of the Government which make it impossible for the recommendations of the Committee to take effect from the time they were made known to the Native Authorities since the Government has for some time past recognised the discrepancy between the conditions of service of the Native Administration employees as compared with the Government Staff?

(d) What steps are being taken to expedite action and how soon will the recommendations come into operation.

Answer—

His Honour the Chief Commissioner, Western Provinces:

(a) Separate Committees were appointed in the Western and Eastern Provinces in 1941. The personnel of the Western Provinces Committee was Mr I. W. E. Dods, District Officer, Chairman, with Honourable N. D. Oyerinde, then Legislative Council Member for the Oyo Division, Mr A. S. Coker, Treasurer, Egba Native Administration, as members. The personnel of the Eastern Provinces Committee was Mr F. B. Carr, Senior Resident, Chairman, with Honourable S. B. Rhodes, Member for the Rivers Division, The Reverend and Honourable O. Efiang, Member for Calabar, as members. The Committee's terms of reference in each case were:—

To review the conditions of service of Native Administration employees and to report thereon and make recommendations as regards any necessary revision.

(b) Yes, Sir. The report of the Western Provinces Committee was sent to the President of the Federal Union of Native Administration Staffs of the Western Provinces in April, 1942, and was submitted to Government in July, 1942. In view of the pressure on the Government Printing Office it is not proposed to print the report and lay it on the table of this Council but a copy will be supplied to the Honourable Member if he wishes.

(c) The Western Provinces and Eastern Provinces reports were collated, and in a joint Memorandum signed by the Chief Commissioner, Northern Provinces, and the Chief Commissioner, Western Provinces, and with the concurrence of the Chief Commissioner, Eastern Provinces, final recommendations were made to Government in December, 1942. Government has approved these recommendations to take effect from the 1st January, 1943. It is contrary to the policy of Government, in the absence of special considerations which in this case were not thought to exist, to make the application of new salary scales and improved conditions of service retrospective.

(d) The improved conditions will take effect from the 1st of January, 1943. Grading of staff and conversion to the new scales is now taking place, and in some cases has been completed.

The Member for the Egba Division (The Hon. Olaseni Moore):

61. (a) Is it true that the Dod's Committee included in their recommendations grading for Native Administration Treasurers only?

(b) If so, what arrangements are being made to grade the other posts in the Native Administrations on the same principle as those of the Treasurers in order to have uniformity throughout the Western Provinces?

Answer—

His Honour the Chief Commissioner, Western Provinces:

(a) The report of the Dods Committee covered all branches of the Native Administration staff in the Western Provinces. Specific suggestions as to grading were made by the Committee in the case of Treasurers only.

(b) The Native Authorities with the help of local Committees and the guidance of the Administrative Staff and, where necessary, Departmental Officers, are carrying out the grading of all posts on the lines recommended in the Report.

The Member for the Egba Division (The Hon. Olaseni Moore):

63. Is it a fact that in the Benin Native Administration certain new posts of Supervisors of Native Administration Accounts have been filled by persons from outside the service, and that there has been some dissatisfaction among the officials of that Administration on account of their being superseded by these men?

Answer—

His Honour the Chief Commissioner, Western Provinces:

No Supervisors of Native Administration accounts have been appointed in the Benin Native Administration; the latter part of the question does not therefore arise.

The Third Lagos Member (The Hon. Ernest Ikoli):

74. To ask whether the alleged arrest of Imodu, former Railway employee and President of the Nigerian Railway Workers' Union, and his detention somewhere in the country is a fact?

If so, to ask whether Government can make a full statement of the reasons for such action.

Answer—

The Hon. the Chief Secretary to the Government:

Mr Imodu was detained under the provisions of the Defence Regulations because it was necessary to prevent him acting in a manner prejudicial to public safety or defence.

The detention order has now been replaced by a restriction order, requiring him to reside in a certain area and to report at the Police Station, Auchin, twice a week.

The Third Lagos Member (The Hon. Ernest Ikoli):

80. Referring to a statement made by Lord Cranborne on December 4, 1942, in a speech on Colonial debate in the House of Lords that "In regard to mass education, comprehensive policies of dealing with adult and community education was being prepared", to ask whether the Nigerian Government has plans of any kind for mass education in this country?

Answer—

The Hon. the Acting Director of Education:

The Ten Year Plan for Educational development which is now under consideration by the Secretary of State and his advisers aims primarily at improving the service conditions of teachers and facilities for education throughout the country. Steady expansion is envisaged during this period. The proposed development will probably entail an average annual expenditure of three-quarters of a million pounds.

Mass education and adult education depend partly on finance and partly on the available teaching staff. When funds and sufficient trained teachers from the new Training College become available, the spread of education amongst the masses and adults will become a practical possibility. The number of trained teachers will be limited only by the funds available for assisting Training Institutions.

Until the decisions of the Secretary of State on proposed educational development are known it is not possible to give more detailed information.

BILLS**(Second Readings.)****THE 1943-44 APPROPRIATION ORDINANCE, 1943****The Hon. the Acting Financial Secretary:**

Your Excellency, I beg to move the second reading of a Bill entitled

An Ordinance to appropriate the sum of twelve million, four hundred and eleven thousand, five hundred and ninety-seven pounds to the service of the year ending on the thirty-first day of March, one thousand nine hundred and forty-four.

The Member for the Ibo Division (The Hon B. O.-E. Amobi):

Your Excellency, I move that the debates on the Appropriation Bill be deferred until tomorrow morning.

His Excellency:

I am not quite certain that the Honourable Member is in order in moving it now. Perhaps the Attorney-General will enlighten us.

The Hon. the Attorney-General:

Our rules are silent on that point, Sir.

The Member for the Rivers Division (The Hon S. B. Rhodes, C.B.E.):

Sir, I think what is meant by the Honourable Member is that sufficient time be given to Members to study this, and I second the motion.

His Excellency:

I do not know whether it is in order, but as our rules are silent on the point I will put the motion to the House. The question is that the debate on the second reading of the Appropriation Bill be deferred.

Motion approved.

THE SUPREME COURT ORDINANCE, 1943

The Hon. the Attorney-General:

Sir, I rise to move the second reading of a Bill entitled

An Ordinance for the constitution of a Supreme Court of Justice for the Colony and Protectorate of Nigeria and for other purposes relating to the administration of justice in Nigeria. As indicated yesterday, I propose to ask Your Excellency to refer this and the other four Bills standing in my name, after their second reading, to a Select Committee.

The Hon. the Solicitor-General:

I beg to second.

The Member for the Rivers Division (The Hon S. B. Rhodes, C.B.E.):

Your Excellency, I wish to say Sir that could His Honour the Chief Justice of Sierra Leone be here to-day he would have left this House singing the *Nunc Dimittis* because for years in this House he has fought this question of one Supreme Court for the whole of Nigeria. Now the Supreme Court Bill as it stands to-day is giving nothing new to the Provinces, at least to the Eastern Provinces, which was known as Southern Nigeria Protectorate, because in the old days Sir we had a Supreme Court throughout the whole of Southern Nigeria, with Native Courts, minor and major. Then, after many years of working, suddenly in 1914 the natives of the Eastern Provinces were deprived of the Supreme Court and were given a Provincial Court, which lasted only ten years. Then a Protectorate Court was introduced and that also

lasted ten years. I was in the House when the Provincial Court was buried, I was in the House when the Protectorate Court was brought into existence and I am in this House when the Protectorate Court is also being buried.

Now, Sir, if the Government would consider more the question of how these Courts affect the people of the Provinces rather than consider how they deprive lawyers from earning their daily bread, I think this legislation would have got on better. As the Bill stands to-day Sir, what do we find. There is one clause here—I don't know what the Honourable the Director of Medical Services would say if such a Bill were affecting the Medical Department, that because a man has passed his examination in surgery and holds a certificate, though he has not handled a knife for many years, he can be appointed a senior medical specialist in surgery. Here we have a clause in this Bill which tells us that anybody who is qualified—clause 5 (b) says a man who has been qualified for not less than five years—can become a Judge. He has never practised, but can be a Judge. Well, Your Excellency, I say it is bad enough as it is now, even in the Protectorate, we senior members of the Bar with long experience, who have to appear before men who are Judges but have never yet earned a shilling as a brief fee, but are made Judges and we have all the time to argue questions of law before them and at the same time receiving no sympathy, because these men have never practised, do not understand what it means to practise, cannot understand the mentality of the litigant, as this clause will not affect them now, I say in the future we must safeguard this. I will not stand here and be a party to a legislation that generations yet unborn will blame me for.

Now, Sir, there are many other amendments which, if this matter is referred to Select Committee, I should like to bring before that committee, but what I say now is this, that if we are going to have Supreme Court throughout Nigeria then we must give the people of the Eastern Provinces, or the old Southern Nigeria, the Supreme Court they have been used to before not a Supreme Court which, in other words, is still a Protectorate Court, because most of the clauses which are actually being introduced in Supreme Court mean that the people of the Colony will be deprived of certain rights and privileges of Supreme Court which are now being experienced by people of the Protectorate Court. However, I will not say much more now, I will wait till the matter goes into committee.

The First Lagos Member (The Hon. H. S. A. Thomas):

The question of the Honourable Member for the Rivers Division is a sore one in the community. You will remember that some two years back it was proposed to appoint a gentleman from the Education Department as Magistrate. He had passed his Bar examination but had never practised, and there was such a storm of protest in Lagos that Your Excellency was good enough to

suspend the appointment. In view of that happening in the case of a Magistrate I think this is a much more important question, and I should like to support Mr Rhodes's motion.

The Hon. the Attorney-General :

Your Excellency, the only criticism so far directed against the Bill is in connection with the qualifications of members of the Bench. The provisions in the Bill are I would like to point out a great improvement on the existing conditions, because at present no qualification at all is required. I am not suggesting that their Honours have not got very valuable qualifications, but simply pointing out that under the law at present no qualification is required at all. That, I think, may have rather influenced my learned friend's remarks. He has laboured so long under the knowledge that no special qualification is necessary that now he wants to go very much further on that particular point. That question will no doubt be considered in select committee but I think I should here mentioned the fact that certain countries have got such a provision in their laws, namely, that a man cannot be appointed a Judge unless he has practised his profession for a certain term of years. On the other hand four or five years ago, Sir, we had a circular despatch from England addressed to all colonies, in which the Secretary of State pointed out that the Law Society and those others who were responsible for selecting Judges found the greatest difficulty at times in finding individuals who although suitable in every other respect as judges had not actually practised for the required term of years. You might perhaps find a brilliant man with, say, four years practice, so brilliant that he is appointed to be a senior Judge in some Colony. Well he cannot subsequently, although absolutely fitted for the appointment, move to any other country which has the restrictive qualifications suggested by the Honourable Members because he would not have practised his profession for five years. I think, Sir, Members may not fully understand the meaning of the phrase. In my opinion a man who has been a magistrate or judge for five years would not have been "practising his profession for five years" within the meaning of the proposed amendment which would mean the actual appearance in courts as an advocate, not as a member of the Colonial Legal Service for a period of five years. If it is only intended that the individual must for a period of not less than five years have had practical court experience that is a different matter. I mention this now so that the Select Committee will bear it in mind. There is that difference between practising the profession and being experienced in the profession and also the fact that several countries have found it essential to alter their legislation from what might be considered the ideal and which is what the Honourable and learned Member wishes to exactly the phrase or have incorporated in this Bill.

Sir, I beg to move.

The Hon. the Solicitor-General :

I beg to second.

Bill read a second time.

THE MAGISTRATES' COURTS ORDINANCE, 1943

The Hon. the Attorney-General :

Your Excellency, I mentioned earlier that I was going to move the second reading of all the five Bills standing in my name and then ask after the second reading they be referred to a Select Committee. I now beg to move the second reading of a Bill entitled

An Ordinance for the constitution of Magistrates' Courts for Nigeria; for the appointment of Magistrates and other officers thereof; of justices of the peace and for the regulation of their duties and jurisdiction.

The Hon. the Solicitor-General :

I beg to second.

Bill read a second time.

THE JURY ORDINANCE, 1943

The Hon. the Attorney-General :

Sir, I beg to move the second reading of a Bill entitled

An Ordinance relating to Jurors and trial with a Jury.

The Hon. the Solicitor-General :

I beg to second.

Bill read a second time.

THE CRIMINAL PROCEDURE (AMENDMENT) ORDINANCE, 1943

The Hon. the Attorney-General :

Sir, I beg to move the second reading of a Bill entitled

An Ordinance to amend the Criminal Procedure Ordinance.

The Hon. the Solicitor-General :

I beg to second.

Bill read a second time.

THE EVIDENCE ORDINANCE, 1943

The Hon. the Attorney-General :

Sir, I beg to move the second reading of a Bill entitled :—

An Ordinance to Consolidate, Define and Amend the Law of Evidence.

The Hon. the Solicitor-General :

I beg to second.

Bill read a second time.

Motion approved that the foregoing five Bills be referred to a Select Committee consisting of the Honourable the Attorney-General, the Honourable the Solicitor-General, the Honourable the Member for the Rivers Division and the Honourable the Second Lagos Member.

THE INCOME TAX ORDINANCE, 1943

The Hon. the Acting Financial Secretary :

Sir, I beg to move the second reading of a Bill entitled

An Ordinance to Consolidate and Amend the Law relating to Income Tax.

The Commercial Member for Port Harcourt (The Hon. J. Crawford) :

Your Excellency, I beg to move that this Bill be deferred until a subsequent meeting of Legislative Council: there has been insufficient time to give it the supervision desired.

The Commercial Member for Lagos (The Hon. J. F. Winter) :

Your Excellency, in connection with this and in connection with the whole of the Bills to this Council, in my opinion there has been insufficient time to study them. I know of Members, Unofficial Members, who have received the whole batch of these Bills prior to leaving their stations, and have only had the time it takes to get from Kano to Lagos to read these Bills. I consider that if I am to take an intelligent interest I require time to read these Bills and consult authorities, and I second the proposition that this Bill should be deferred until the next meeting of Legislative Council, by which time I shall at least have been able to consult those authorities.

His Excellency :

Does the Honourable Member mean it should be deferred for several months, until the next Session?

The Commercial Member for Lagos (The Hon. J. F. Winter) :

Not during the present Session Sir.

The Hon. the Acting Financial Secretary :

I cannot of course answer as to the Bills in general but it is a fact, I believe, that this Bill now under discussion was in the hands of Members of this Council immediately subsequent to the general meeting of Finance Committee, now some seven weeks ago. It could not be put in the hands of Members before because expenses had not been voted which the Bill entailed, but as soon as it was voted the Bill was placed in the hands of Honourable Members, somewhere about the last Friday in January.

The Commercial Member for Lagos (The Hon. J. F. Winter) :

Sir, may I have the privilege of making a further remark. The whole trouble is that most of us are part-time legislators. We have a full-time job of work to do: many of us have more than a full-time job during the war and only have a few hours in the evening to go through these Bills, and therefore I think that with comprehensive Bills of this nature such as Income Tax and Native Authority Bills we should have at least three months to study them.

His Excellency :

May I ask how long the Honourable Member has had this Bill?

The Commercial Member for Lagos (The Hon. J. F. Winter):

I have had this particular Bill about six weeks, but other people I believe have not had that length of time.

His Excellency:

Does any other Honourable Member wish to speak to the motion that the second reading be deferred until the next meeting of Council?

The Third Lagos Member (The Hon. Ernest Ikoli):

I strongly support that motion Sir, because I myself discussed this matter with other Members and we did not feel we could fairly deal with this in such a short time. The Legal Department have been poring over this Bill for months, and now they expect us to digest it straight away. I strongly support the motion that the Bill be deferred.

The Member for the Rivers Division (The Hon S. B. Rhodes, C.B.E.):

As far as I am concerned Sir, this Income Tax Bill is one of the earliest I received. As a matter of fact I received it long before the other Bills and have had ample time to go through it.

The Member for Shipping (The Hon. G. H. Avezathe):

Your Excellency, the Bill we are discussing now surely only clarifies the old Bill. There is nothing new in it. I think it is only making it easier for everyone to understand.

The Second Lagos Member (The Hon. Jibril Martin):

I support the Commercial Member for Lagos, Sir.

His Excellency:

I will put the question to the House that the Bill be deferred until the next meeting of Legislative Council.

Motion rejected.

Bill read a second time.

The Hon. the Acting Financial Secretary:

Sir, I beg to move that this Bill be now referred to a Select Committee consisting of the Honourable the Acting Financial Secretary, the Honourable the Commercial Member for Lagos, the Honourable the Mining Member, the Honourable the Member for the Ondo Division and the Honourable the Banking Member (Provisional).

Motion adopted.

Council adjourned at 10.28 a.m.

Debates in the Legislative Council of Nigeria

Wednesday, 17th March, 1943

Pursuant to notice the Honourable the Members of the
Legislative Council met in the Council Chamber, Lagos,
at 10 a.m. on Wednesday, the 17th of March, 1943.

PRESENT

OFFICIALS

- The Governor,
His Excellency Sir Bernard Bourdillon, G.C.M.G., K.B.E.
- The Chief Secretary to the Government,
The Honourable A. W. G. H. Grantham, C.M.G.
- The Chief Commissioner, Northern Provinces,
His Honour Sir Theodore Adams, Kt., C.M.G.
- The Chief Commissioner, Western Provinces,
His Honour G. C. Whiteley, C.M.G.
- The Chief Commissioner, Eastern Provinces,
His Honour G. G. Shute, C.M.G.
- The Attorney-General,
The Honourable H. C. F. Cox, K.C.
- The Acting Financial Secretary,
The Honourable C. Watts.
- The Director of Medical Services,
Dr the Honourable J. W. P. Harkness, C.M.G., O.B.E.
- The Acting Director of Education,
The Honourable C. R. Butler, O.B.E.
- The Director of Marine,
Commander the Honourable A. V. P. Ivey, C.B.E., R.D.,
R.N.R.
- The Comptroller of Customs and Excise,
The Honourable A. E. V. Barton, C.B.E.
- The Deputy Chief Secretary,
The Honourable T. Hoskyns-Abrahall, C.M.G.
- The Senior Resident, Oyo Province,
The Honourable H. F. M. White, C.M.G.
- The Resident, Onitsha Province,
The Honourable D. P. J. O'Connor, M.C.
- The General Manager, Nigerian Railway,
The Honourable C. E. Rooke.
- The Director of Public Works,
The Honourable S. J. W. Gooch.
- The Director of Agriculture,
Captain the Honourable J. R. Mackie, C.M.G.

- The Honourable W. C. C. King,
Commissioner of Police (Extraordinary Member).
The Honourable G. L. Howe,
Solicitor-General (Extraordinary Member).
The Honourable E. C. Crewe,
Postmaster-General (Extraordinary Member).
The Honourable E. A. Miller,
Commissioner of Labour (Extraordinary Member).
The Honourable G. B. Williams, M.C.
Commissioner of the Colony (Extraordinary Member).

ABSENT

- The Senior Resident, Plateau Province,
The Honourable E. S. Pembleton, C.M.G.
The Senior Resident, Kano Province,
The Honourable J. R. Patterson, C.M.G.
The Senior Resident, Sokoto Province,
Comdr. the Honourable J. H. Cartow, D.S.C., R.N.
(rtd.)
The Resident, Benue Province,
The Honourable D. M. H. Beck, M.C.
The Resident, Katsina Province,
The Honourable R. L. Payne.
The Resident, Zaria Province,
The Honourable F. M. Noad.
The Resident, Calabar Province,
Major the Honourable H. P. James.
The Resident, Ondo Province,
Major the Honourable J. Wann.

UNOFFICIAL MEMBERS

- The Member for the Ibo Division,
The Honourable B. O.-E. Amobi.
The Member for the Rivers Division,
The Honourable S. B. Rhodes, C.B.E.
The Member for Calabar,
The Rev. and Honourable O. Efiang.
The Member for the Ibibio Division,
The Honourable N. Essien.
The Member for the Ijebu Division,
Dr the Honourable N. T. Olusoga.
The First Lagos Member,
The Honourable H. S. A. Thomas.
The Mining Member,
Lt.-Colonel the Honourable H. H. W. Boyes, M.C.
The Commercial Member for Kano,
The Honourable W. T. G. Gates.
The Second Lagos Member,
The Honourable Jibril Martin.
The Commercial Member for Lagos.
The Honourable J. F. Winter.
The Third Lagos Member,
The Honourable Ernest Ikoli.
The Member for Shipping,
The Honourable G. H. Avèzathe.
The Member for the Colony Division,
The Rev. and Honourable T. A. J. Ogunbiyi.

- The Member for the Egba Division,
The Honourable Olaseni Moore.
- The Member for the Cameroons Division,
The Honourable J. Manga Williams.
- The Commercial Member for Calabar,
The Honourable W. V. Wootton.
- The Member for the Ondo Division,
The Rev. and Honourable Cannon L. A. Lennon, M.B.E.
- The Commercial Member for Port Harcourt (Provisional),
The Honourable John Crawford.
- The Banking Member (Provisional),
The Honourable K. M. Oliver, M.C.

ABSENT

- The Member for the Warri Division—(Vacant).
The Member for the Oyo Division—(Vacant).

PRAYERS

His Excellency the Governor opened the proceedings of the Council with prayers.

CONFIRMATION OF MINUTES

The Minutes of the meeting held on the 16th of March, 1943, having been printed and circulated to the Honourable Members were taken as read and confirmed.

QUESTIONS

NOTE.—Replies to Questions Nos. 22 and 27 by the Honourable the Member for the Rivers Division, Nos. 43 and 44 by the Honourable the Member for the Ijebu Division, Nos. 49 and 50 by the Honourable the First Lagos Member, Nos. 52 and 53 by the Honourable the Member for the Ibo Division, No. 55 by the Honourable the Member for the Calabar Division, No. 73 by the Honourable the Member for the Ibo Division, Nos. 75-79 and 81 by the Honourable the Third Lagos Member, Nos. 82-88 by the Honourable the Member for the Ijebu Division, and Nos. 89 and 91 by the Honourable the Third Lagos Member are not yet ready.

BILLS

(Second Readings.)

THE 1943-44 APPROPRIATION ORDINANCE, 1943.

The Member for the Ibo Division (The Hon B. O.-E. Amobi):

Your Excellency, before I begin the debate regarding the finances of the country, I think that with your permission I should register our appreciation and pay tribute to the great leaders of the United Nations. Last year when we were in this House, little did we expect to find ourselves where we are to-day. We had a lot of fears in our minds, and to-day, through the skill and sacrifice of these great leaders, we are where we are to-day. Particularly to our Prime Minister who at his age was able to fly all the way from Europe to the desert, from the desert to Russia and to several other places—some of us here would not even venture to get into an aeroplane—but for that old man to give up his life, his wealth, to sacrifice everything in the interests of the Empire—is worthy of great tribute. And also, Your Excellency,

to the President of the United States of America. He too travelled a lot, he too showed that friendship which means a friend in need is a friend indeed. He himself did a lot. He flew as far as Liberia here just in the interests of the war, and there is no reason, Your Excellency, why we should not pay great tribute to this man and let the Americans feel and know that we are with them wherever they go and that our prayers will always follow them and that we wish them every success and Godspeed until victory is achieved.

Your Excellency, I am just recovering from the shock I had when the news of the impending retirement of our Chief Commissioner was announced to this House. It is said in one of our native parables that the man who sits nearer to a man knows whether he has a bad or good scent. We in the Eastern Provinces who have been privileged to be under his care regard him as a father. It is a very tedious job for a weak man to be a Chief Commissioner of a Province. He must be a very strong man, and our Chief Commissioner is a strong man. When sometimes one gets a punch from the District Officer or the Resident, and runs up to the Chief Commissioner, who is easily approachable, instead of punching you down he gives you a pat on the back, tells you your mistakes, and gives you redress. We wish him God speed when he goes, we wish him a happy retirement and we wish him long life, so that he may be able to enjoy his retirement.

As I said before it is hard for old friends to part. Coming to the Chief Commissioner, Northern Provinces, we have not had close contact with him, but each time he comes here and we listen to his debates, especially when we have him in Finance Committee, we feel that he is the type of man that the North wants, particularly when it was mentioned yesterday that he has brought all the chiefs in the North together and there is co-operation between the whole batch of them. That is what we really want, and for that reason, on behalf of the House, when the time comes for him to go, we may not be privileged to sit in this House to say goodbye to him, so we wish him all the best.

Your Excellency, when I arrived in Lagos on Saturday night I saw all the streets fully lighted; the blackout was removed. It is said that only wicked people like to walk in the dark. It shows that things are better, or at any rate it shows that most of the restrictions which we were compelled to undergo during the past few months have been removed from Nigeria. I hope that since Government has removed the ban on the full light, they will soon find time to restore to the people of Nigeria all the public holidays.

Your Excellency, turning to the people of Nigeria I would say to them, continue, do not rest on your oars, do not say the Battle of England is over or the battle in North Africa will soon be over and that we are not affected. We must continue to contribute, knowing full well, according to what was said before, that the battle will not be decided in Africa. To-day we have been called upon to give up all the groundnut oil possible so as to be able to give a supply to the people at home. We have got our palm oil,

we have got various other oils to live on, and so there is no reason why we should not respond wholeheartedly to that special request. It is by so doing that we shall soon be nearer to victory.

Your Excellency, turning now to the Budget, which has been so systematically framed, I think according to your speech that the most revenue making department is the Customs and I must pay tribute to the Comptroller of Customs and Excise. It is said, and I believe it is true, that a man who produces more money should get more pay, but when we look at the Budget we find that the Comptroller of Customs, in comparison with the revenue, is not paid sufficiently, and if it rested with me I would suggest that a few hundreds be added to his salary.

Your Excellency, in the past and I think up to now we are still pressing for technical education, but there are in certain departments boys who are compelled to resign from the technical institution. I am told—I do not know whether I am correct—that it is all due to the treatment that is meted out to them, and I am told that on many occasions when they make their requests to their head of department those requests are misinterpreted. I say, Sir, that if we want this Technical Institution to continue and to work effectively there should be some attraction, there must be more practical teaching. We know boys who obtain inter degrees in Engineering, Agriculture, Commerce, Art. Why should they be prevented from sitting to their final Examination without going to Europe. So, Sir, I would ask Your Excellency to issue a straight warning to the various heads of departments that it is the desire of the public that these technical institutions should be maintained and kept up-to-date, and if possible, Your Excellency, if I am not asking too much, to always lay to the House a full report of work done during the year.

Your Excellency, there is one small complaint I think I have against the Survey Department. It is a minor complaint, but it is a genuine one. Here you have a man in the Survey Department starting from a third-class post. Before he gets to the rank of a first-class post I expect he will have passed several examinations to be able to climb up to the post of a first-class Surveyor. Here, Your Excellency, that man, after having served the department for about twenty or more years, retires. He is called upon to sit to an examination which school children sit, in order to practise as a private licensed Surveyor. I say, Sir, that it is really a hard thing for a man who has been serving the Government for so many years, that when he retires, instead of giving him a certificate to practise as a licensed Surveyor we ask him to sit with boys of school age to obtain his certificate or licence to practise. I say it is a pity, and I hope Your Excellency will direct that something be done to remove that hardship amongst the people of Nigeria.

Your Excellency, I need not say much about Education, since there is a ten year plan and that plan is now receiving the attention of the Secretary of State for the Colonies. Before that scheme materialises, the public should be given opportunity to criticise it.

I have to say, Sir, that though we are clamouring for education, we wish, Sir, that some steps could be taken to teach these boys, while in the elementary schools, how to use their hands. As far back as 1904, when I had the opportunity of attending St. Andrews College, then called the C.M.S. Training Institute, Oyo, all the students, from the highest to the lowest student, even the teachers, went out in the morning to cut grass and, if they owned farms, were taught to dig small gardens. But to-day, if you ask a boy to even do the ordinary pounding of food for his mother, he feels too big to do it. I know some of my people might not like this statement I am making this morning, but it is a true statement. If all the boys in Nigeria are educated simply to read and write and to pursue classics, where are you going to get all the offices to employ these boys? That is what I am always thinking. If these boys are not taught in elementary schools to use their hands, flog them. We were flogged in those days, but to-day you dare not use a cane on a boy. In those days you were flogged when you did not do your work or disobeyed your parents. But to-day a boy wants to become a clerk, and if he doesn't get a job in an office that is the end of it; he becomes a burden on his parents.

Your Excellency, another department on which I wish to touch is the Agricultural Department. That department is the life of the country. If I am to be frank enough to say it without fear I would say that Government is solely responsible for not bringing the Agricultural Department to what it should have been ten years ago. It is only on account of the war, because we cannot get things from elsewhere, that has made the Agricultural Department what it is to-day. We should have been able to supply our own needs long ago. We have a vast field for rubber, cocoa, rice, any amount of uncultivated land which could have been used many years ago. But, Sir, as it is said that it is never too late to amend, if we start to-day I am sure that it is not too late. When we travel down the river from Lagos right on to Burutu, from there to the upper Niger, we find vast acres of land uncultivated. When you go up North you find any amount of virgin land. What is going to happen if a big move is not made in time so that Nigeria will be able to supply all her own needs in time of peace and in time of war?

Well, Your Excellency, I know we have a Board which is to sit to consider the fate of our brothers in the Army when they are disbanded after the war. That is a very important matter and should set us thinking. I do not know what the committee will say or what conclusion they will arrive at, but I want the Government to make a serious attempt, when disbanding these men, to draw up a law guiding their movements in the country and improving their general character. I think the best people in the world to-day are soldiers. When you go to Europe they are so nice and so well-behaved, but you see boys here who are as rough as lions. They want to capture everything they see, and we are told it is

the effect of the injections received in the Army. Your Excellency, I hope that these boys will not be disbanded without being given definite warning that a good character will help them to secure a lucrative job. Just give them a brake, otherwise they will be a menace to the public.

Your Excellency, another department I wish to touch on is the Forestry Department. This department has done a lot for the people of Nigeria during this war. They have saved us from the Black Market people who took advantage of the war to raise their prices, and would sell a piece of timber that used to cost 2s before the war for 4s 6d. But the Forestry Department came to our rescue. You can go to the Forestry Department for a permit and get your timber at first rate prices instead of going to the market and paying 4s 6d or 5s. As I have said before in this House, we need a Sawmill in the Eastern Provinces, a real Sawmill. We have forest reserves between Awka and Enugu and big forest reserves at various other places. With a good Sawmill we ought to be able to turn out local wood for home consumption. I say this because the sawyers, we know, do all their sawing by hand, and if the war were to continue much longer they would not be able to cope with the demand. I happened to visit the Cameroons just two months ago and I saw one Sawmill and the amount of wood that the mill was able to turn out every day. There is no wood which was considered too cheap for the market. If we have a machine of that type in the East, I think our needs will be curtailed.

Your Excellency, I must pay tribute to the Medical Department. The Medical Department has done a lot of good work in this country and is still doing so. As I said before, most of the Europeans who come out and are working for the public or attending the public are very good people, but there are some who are not so good. I cannot help but say so, but there are times when some of the Doctors care very little about the hospitals they are in charge of; they care less about their hospitals than about going into the hinterland giving private injections and so on. I think it is high time this is put a stop to. If the medical practitioners are not satisfied with their salaries, let us give them more pay and stop private practice. But I do feel, Sir, it is not fair to the public that when you take a serious case to the Hospital you find that sometimes the Doctor is away for three or four days in the bush. It is not fair, Sir. Your Excellency, we look forward to the day when the Medical Department will give us African sisters. We have been clamouring for female education and we are trying to send our girls to Queen's College and other Colleges, but when they have finished what are they to do. Why not give them a test; why not give them an examination which would promote them from nurses to sisters. I long for the day when this opportunity will be granted to our African ladies in this country.

Your Excellency, I really feel, Sir, that this disease known as tuberculosis is taking a big hold on the life of the people of this country. We do not know how this disease became so widespread

in Nigeria, whether it started from the East or from the West, but it has taken a big hold and I pray Sir that with the assistance of our new Director of Medical Services they will introduce something stronger than the present measure to prevent the spread of this disease. I am very grateful also to that Department for the new Bill introduced to the House the other day about the campaign against venereal diseases. This Bill, when passed, will relieve the country a lot, but I must candidly say Sir that on many occasions the fault is ours. When we have a bad case the best thing is to go to a doctor, and not play hide and seek with this sort of disease when you know it spreads. When the Bill is passed I hope my friends the Nigerians will take advantage of that Bill and walk up and take their courage in their hands and let a doctor examine them and cure them. I am very glad that this Bill has been introduced to the House and that steps will be taken to get it through.

Your Excellency, I must say a word about the P.W.D. I remember some time ago in this House I branded the P.W.D. as the Public Waste Department, but when I toured the East from Onitsha to Ogoja Province I found that most of the roads were made by the P.W.D. I think they deserve a lot of credit. I do not say that some of the work they do for the public is not expensive; sometimes you get a contractor to do a job for £1,500 and the P.W.D. does it for £3,000, but we must pay tribute to that department for the roads they have constructed throughout Nigeria. That Department has done a lot of good work, and I think I should say a word of thanks to the head of that department and to remind the Electricity Department about the Onitsha electricity scheme, so that when the money is available Onitsha should be remembered.

Your Excellency, I must now touch on the Police Department. I think there is a law known as the Police Prevention Act Ordinance. But of late Your Excellency I find that the Police, instead of preventing, is aiding crime. When you manufacture a case I say you are helping to create crime. If a man comes to you and tells you that Mr B. asked him to give him 5s., instead of encouraging him by giving the 5s to tempt the man the best thing the Police should do is to collar the man, and tell him if he gives a bribe he would be punished. That would put a stop to a lot of these bribery cases, both in the provinces and the colony as well. But, apart from that Your Excellency the Police have done very good work, particularly during the present crisis. In a place like Onitsha you would be surprised to see a Police Superintendent on his bicycle riding about the town doing his work. Well it shows that these men do not play with their work. They are doing very good work, and in fact when the Trades Union Bill was read yesterday and I heard they were not allowed to form a Union, well if the Police are not allowed to form a Union and the Warders are not allowed to, what about the

soldiers. Will they have the right to form a Union? Your Excellency, I should like to be enlightened on that point.

Your Excellency, another department I wish to touch on is the Veterinary Department. Although I have not been privileged to visit the area in which that department is actually working, from all we have heard and all we have seen, that department is doing valuable work and should be encouraged. I was delighted to know that Africans, if they so desire, could become members of that department.

Your Excellency, I must say a word about the Magistrates. There was a time when we clamoured for Magistrates, and to-day we have any amount of Magistrates in the country. I can assure Your Excellency that these Magistrates are doing very good work. It is a stepping stone to something higher. If these Magistrates, as we have seen in the case of Mr Jibowu, work hard, they will one day be lifted to the post of Judges. I do not think the department have had any cause to regret giving Africans the opportunity of becoming Magistrates.

Your Excellency, another department I wish to talk about is the Marine Department. There was a time when Marine ships plied through the Niger carrying produce for those firms not in the combine and carrying mails, but after some years that privilege was withdrawn. The reason for doing so was not given to the people and some of us would like to know why the Marine withdrew their boats. Is it because they are short of men or because they are short of steamers or because they want to give way to the firms that run the transport? But, Sir, there is no reason why the Marine should not continue to operate on the Niger. So far, Your Excellency, we know that that Department is responsible for all the buoys in the creeks and for the ferry crossing the River Niger and many other things. Also I understand there is a technical section in the Marine Department, and I look forward, Your Excellency, to the day when some of these boys will come out with a Board of Trade certificate—not local. So I should like to say, Sir, that that institution should be encouraged and should be supervised by the Honourable Director of Marine from time to time. Because if they pass out after six years training without University Certificates they are useless. They cannot be called Engineers or anything else, and yet they spend six years in this technical institution wasting time. That Marine technical department is a good department, and if these boys in the end obtain proper certificates I see no reason, Your Excellency, why these boys should not be given first-class education as well as practical education in engineering.

Your Excellency, I think I must thank Government for giving us a Commissioner of Labour. I would like to warn my friends who join these Trade Unions—because I am sure he has to deal with these members from time to time—that it is for them to cooperate with the Labour Commissioner if they want anything done. When I had the privilege of handing one of the certificates

over to the members of one Union I told them that they should not look on the certificate as all they want, but when they were registered they should co-operate with the various Heads of Departments. If they were hostile the Heads of Departments could not help them, but it was only by co-operation that something better could be done. And so, Sir, I hope that as time goes on all members of Trade Unions in this country will be able to form themselves into one, two or three Trade Unions, with responsible men at the head of these Unions. I think they will do a better job if they form their Unions properly, get level headed men at the head of affairs, and co-operate with the machinery of labour.

Your Excellency, I think I must touch on the Railway. The Railway for the past two years have done remarkable work. At the time the third-class fare was increased we thought there was no use patronising the Railway, but I was surprised, Sir, that the more the rate is increased the more demand there is on the Railway. Often third-class coaches are full to the brim and passengers have been placed in first and second class coaches to relieve the congestion. But, Sir, I would suggest that Government should so arrange this traffic that whenever military men have to come down to Lagos—I mean my own countrymen who are soldiers, when they come to the third-class you will see a soldier sitting on a seat stretching his legs on the other and not allowing anyone else to sit down, and if you try to make him get up he is ready to fight—I think, Sir, that it would be in the best interests of the public, when troops have to travel, to give them a special coach so that they won't have to mix with civilian passengers.

Your Excellency, as I said last year, one department which has suffered greatly is the Provincial Department. When I say that department has suffered greatly I do not mean to say that I support that hundreds of cadets should be sent out, but I do say that at present they have contributed far more than any other department so far as work is concerned. I have known the time, Your Excellency, when my Resident had to be in charge of his own office and also in charge of another station a few miles away from his Headquarters. Many times he is called upon to do three men's jobs, and often there has been no District Officer or Assistant District Officer in the station—he has to run between his own and his District Officer's office. So when I say that that Department has suffered considerably I am really sincere, and we look forward to the time when those men who joined the Army are back that the various vacancies will be filled.

Sir, you know that the Native Administration is a new section of administration, particularly in the East, since it was introduced in 1928. This administration I must say is functioning well because the natives of the place are taking keen interest in their work. But, Your Excellency, when I was talking about our Chief Commissioner I mentioned some of his good qualities but I forgot to say something about his one bad quality, that bad quality is

a favourable one. When we want to jump off our heads to spend beyond our means, he won't allow us to do it so we say the Chief Commissioner is a bad man, he doesn't want us to spend money. To-day in the East I can assure you we take a keen interest in the working of the Native Administration, and look forward to the time when that Administration will be organised to work hand in hand with the Western and Northern Provinces.

Your Excellency, it is said that the slave who witnesses a burial of his fellow slave with a pick must expect that when he dies he would be buried with the same pick. It is about the case of a man in the Cameroons called Tita Fokum. I was told, Your Excellency, that that man was charged under the Defence Regulations, that there was a time when the man posed as Hitler, and because of that he was removed from that town to Buea and removed again to Onitsha. I say, Sir, that for a man to be removed from his country without a trial is most unfair. If the man was allowed a trial and found guilty, he holds himself responsible for any punishment meted to him, but for that man to be removed from his country without allowing him to be heard by a magistrate or judge, is most unfair, Your Excellency, and I appeal to your sympathy for that man to be allowed a trial or for that man to be sent back to his country to live in peace with his people.

Your Excellency, I have one particular case which I wish to bring to this House, and that is the case relating to the treatment given to one of our friends in this House in the person of the Honourable Member for the Calabar Province. This honourable gentleman attended the meeting of this Council sometime last year, and when he left this place, on his return journey, little did he expect that he would not be allowed to enter his house before being arrested. He was arrested, charged, cautioned and was tried. At the trial, Your Excellency, the Judge found him Not Guilty. Not a shadow of guilt was found on the poor innocent man, and yet Government treated the matter just casually. I was expecting to hear from him that he had received a letter either from the Chief Secretary to the Government or the Chief Commissioner, Eastern Provinces apologising on behalf of the Government for the treatment given to him. He had to employ the aid of solicitors and pay their fees, and a big Government like Nigeria has asked the man to suffer the shame of being in the hands of the Police, and having to pay solicitors expenses, without a single aid to him. I pray, Sir, that the matter should receive your kind attention, and to warn the various departments responsible for dishing out the law to be more careful, because I am positively sure, Your Excellency, that no European would be arrested in that manner; he would sue the Government straight away for damages. But this poor man, a Member of Council, was treated in this shocking manner without a real word of sympathy to him.

Your Excellency, I am now, on behalf of my people, thanking the Government for the various steps they have taken to control the prices of food and merchandise during this war. It is indeed a very tedious job, one looks at it as if it is just a trifling thing, but if there was no control I think the country would be in a mess by now. The well-to-do people would have bought up everything and stored them to sell back to the poorer people and there would have been danger in the country. Your Excellency, I say that we are very grateful to find ourselves where we are to-day, when I myself was expecting to find myself in a little bush perhaps or under a tree holding conference with the Resident or District Officer, when I was expecting to find this Council sitting somewhere else from the Colony. But here we are in safety, Your Excellency. It is indeed good for one to hear with his ears and not to see with his eyes. That is our position to-day. We have only heard of things happening, but we are lucky not to have seen them with our eyes. Those who saw a single bomb drop told me how shocking it was. Well if they had seen numbers of bombs dropped in the Colony what would they have done.

Your Excellency, I thank you for giving me a listening ear, and beg to take my seat.

The Member for the Colony Division (The Rev. & Hon. T. A. J. Ogunbiyi) :

May it please Your Excellency, I bring you greetings from the Colony. I am to request Your Excellency to pass on sentiments of gratitude to advisers and Heads of Departments for the following. The honour of C.M.G. conferred on the Oni of Ife is very gratifying indeed to all of us in this part of the world, the Oni of Ife being the first educated African to be so highly honoured by His Majesty the King, through Your Excellency's recommendation. I am respectfully to request that when the time comes for him to be given the insignia of his honour it may please Your Excellency to invite him to Lagos and that the function shall be performed either in this House or somewhere in the public square to afford the people an opportunity of demonstrating their jubilation and to serve as a stimulus to many people in the Government service who are aspirants to Chieftain's Stools in the land, and at the same time to give the General Manager of the Railway an opportunity of sponsoring him or presenting him to Your Excellency, the Oni of Ife being at one time an employee of the Railway.

I have also to thank Your Excellency for the honour of C.B.E. granted to my immediate predecessor in this House, Dr Henry Carr, who was decorated by Your Excellency just two days ago, and the Honourable the Member for the Rivers Division, Mr S. B. Rhodes, as, also the Honourable A. Alakija. That suggests to me that the time has now come when we should have a list of all Africans who have been honoured by His Majesty the King through your commendation for future reference and to your credit. I think also to include the honour conferred on the latest

arrival to a seat in the House, the Rev. and Honourable Canon Lennon, the Member for the Ondo Division, and also to Mr Bismarck Johnson. We all feel grateful indeed to Your Excellency for this and we take it as an indication of the kindness of the heart of Your Excellency towards Africans. Comparisons are odious yet we should like this list drawn up so that we may compare these with those that were honoured by His Majesty the King during the time of your predecessors. But, Sir, your magnanimity reaches its acme with the appointment of two well tried and proved men of Nigeria into the Sanctum Sanctorum of the Nigerian Government. Sir, during my boyhood days we were told that the Executive Council was an impregnable citadel of the Secretariat of the Nigeria Government and that no African could expect to enter. I should say that this was the law of the Medes and Persians. But now Your Excellency has broken the seal. I told you, Sir, that we were all very grateful to you and shall pass it on to generations yet unborn. I think it would be taken as giving very grateful hearts to many in this part of the world. Sir, I am not expressing fulsome adulation nor am I offering you a pat on the back when I say that, when the war is over, the grateful hearts of the Nigerians will see to it your name is not left neglected in our streets and roads, which is lighter than vanity, but will be perpetuated by the erection of buildings to be known as Bourdillon Hall, Bourdillon Manor, Bourdillon Citadel or Bourdillon Tower so that as we have grateful memories the word 'Bourdillon' will be a household word in our country for ever.

Sir, last year during my maiden speech on the Budget I pleaded for fat crumbs for Africans in Government Service. I am very much delighted to see that you are giving them slices of bread instead. I refer, Sir, to the promotion given to Mr McEwen. I remember that when he was appointed to the post he was holding some people remarked that he was only holding it until such time a Resident was appointed over him but the fact that Your Excellency has not only confirmed him in this office but you have promoted him to the office of, I think, first class Resident is very gratifying indeed and we are all very grateful for it. Then again we think of the promotion of Mr Jibowu from the Magisterial Bench to that of an Assistant Judge. About this time last month I attended his court in Ondo to give evidence, and I was very much impressed indeed to see that he holds high the prestige and tradition of British justice. I came away very proud of him indeed, and, therefore, I am taking this opportunity of thanking you for promoting him to the office. The fact, Sir, that he got that office during your time will be another item for our gratitude to Your Excellency. Then comes the appointment of the first African lady to be a magistrate. I do not know if there is another anywhere. Well, Sir, she first came to begin her duty at Ikeja where I come from and we are very glad indeed that she did come to us. But to our surprise she was removed from us. The reason

for this I do not know but perhaps they found her to be too highly qualified for our part and thought that Ebute Metta at Lagos would appreciate her better. Well, Sir, whether that is so or not, I think the local people have profited. Well, Sir, we have to thank you also for the promotion of a one time Honourable Member of this House, Mr Egbe. I am referring to his appointment as a Magistrate. We miss him very much from this unofficial side because we know what part he has been playing. Sir, there have been other Magistrates appointed and we have heard that there are to be more—perhaps after this session. We shall be pleased with them—they will be very welcome to us. We think thankfully that all these things are happening during your office. Then again, Sir, I come to other departments. I may be wrong but we have been told that men like Mr Ojumiri Johnson and Ojo have been promoted in the Secretariat. Then, again, Messrs. Victor Savage and Ojo in the Education Department and then again in other departments, the Posts and Telegraphs and Public Works Department and in the Legal Department and the Nigerian Railway. For all these we are very thankful to you indeed. Sir, there is another thing that happened during your time which makes your term in this country a unique one, and that is that for the first time an African was appointed to be Assistant District Officer in the person of Mr Ogunnaike from the Commissioner of the Colony's office. We shall hope to see African District Officers appointed either as Cadets or as Assistants. Anyway we think we are prepared to look forward to it and we hope that we shall realise it before you take final leave of us. Then again in the Accountant-General's Department we are thankful that one Mr Fawehinmi was made an acting officer for a European during his absence. All these things are very encouraging to us. I have learnt, Sir, to believe that he who waters another shall himself be watered so that I have strong faith that one day Your Excellency will in your turn be raised to the peerage of the realm of England by His Majesty the King of England.

But, Sir, to your crown of achievement you are still adding laurels and diamonds and we respectfully invite the attention of Your Excellency to the condition of the Chiefs. I seize this opportunity, Sir, to say that I am not satisfied with the reply given to my question last September by the Commissioner of the Colony about Oba Falolu that he is in *statu quo* as from the day that your predecessor gave him recognition. That is to say that he is still Oba of the House of Dosunu without any political function or paraphernalia. Now the word "Oba" is as sacred to us as the word "King" is to you English people. That is to say we venerate the Crown, the personality and the regular paraphernalia of our Oba so highly that we call him Alase ekeji orisa, that is to say, we really regard him as one having regal authority and God's vice-regent. Whoever was responsible, Sir, for stopping us from regarding our Oba as King has not succeeded in erasing the reverence from our hearts. On the contrary, Sir,

he is depriving our liege lord and sovereign of his rights. We Africans would have been very well pleased, with other loyal subjects of the British Empire, to accost the British King as King of Kings, which carries greater weight than King of Obas, or Bales, or Serikis. I do hope that we will be allowed to call our Oba King so that the King of England may be called the King of Kings. Now to come back to Falolu. He was never an Oba in the right sense of the word among Africans. His predecessors were not and never aspired to be Obas until your predecessor as Governor gave him recognition. He asked him what he wanted to be called, Olowo or Oba, and he very wisely said Oba, in the hope that the Governor was going to get the Oni of Ife to send him a crown or was going to get the King of England to send him a crown. On the day that he was performing the ceremony of the confirmation of his title of Oba, I heard that all eyes were turned to the Commissioner of the Colony thinking that he was going to present the crown supposed to have come for him from England. But everybody was disappointed when they saw one of his chiefs placing on his head a dummy crown—made of cardboard and covered with velvet. Actually it was a replica of the crown of the King of England. Nobody could blame him. Nobody could blame our people because you had raised their expectations. Whatever trouble you get I do not think you should blame him for it. The Government is responsible. You have raised his expectations and he was looking forward to it. My contention, Sir, is that Government after making him an Oba should find him a Kingdom or give him extended jurisdiction to be able to exercise his authority as an Oba.

Well, Sir, in the course of my address or speech last year I disclosed my identity as one born and bred in Lagos in that part of Lagos known as Isale Eko that is the abode of the indigenous chiefs of Lagos. Sir, all my years I never saw any of our chiefs buying their food on credit from street hawkers as some of them are doing now. On the other hand when I was touring the Colony Division before being sworn in as an Unofficial Member of this House, I remember visiting a town where one morning an Oba with an accredited crown from our African point of view and regular paraphernalia gave me a call early in the morning about the time when I was having my breakfast and I invited him in the true way, to assure him that I meant the invitation, to join me at breakfast. Because we know how to invite people when we do not want them to join us! And so I was surprised when the Oba refused my invitation point blank. He was staying and I was getting on with my breakfast and I heard him sobbing and I looked to see what was happening.

Well, Sir, he said, "At one time I was a boy in your parish school and, therefore, I cannot hold anything from you." And then he said, "Ever since I became Oba of my town I had to restrict myself to two meals, midday and evening. I have got to

starve from morning till midday for the simple reason that, apart from myself, I have fourteen dependents to feed on a stipend of £1 10s." Sir, that Oba reads and speaks the King's English; that Oba was a successful business man; that Oba had a car of his own—of course, that car had become ramshackle by the time I was there and he was receiving £1 10s, and that was what moved me to write something in the interests of the Oba to the Honourable the Commissioner of the Colony. Nepotism is engendering bad blood. The children of our Chiefs are working under them as servants of Native Authorities. In this particular town I am thinking of there is a son of the soil receiving £6 as a treasurer yet the Chief under whom the treasurer was working was receiving only £3 per month. Then again in that Native Administration there is a father among the Native Administration or Native Administration Council receiving £1 10s or perhaps a fraction more and the son as market master is receiving £2 10s or more. Or a clerk working under the supervision of this Chief receives far higher pay than any of them. Sir, you will be doing a very great service before you leave us by looking into these things for us and getting the status of our Oba put right. Indeed it is the duty of the Government to see to it because all these Chiefs were approved by Government before they became Chiefs and, since that was the case, Government is bound to see that, whether in Lagos or the Colony Division, they are well paid and paid such money as will enable them to maintain their dignity. In our land when a man becomes an Oba or Chief he is not expected to go back to any manual work, cannot go back to his farm or trade but is supposed to remain at home and see to his civic duties. I am not suggesting that now, but yet, Sir, I think that something should be found for our Obas to do. For instance, here in Lagos that part of Lagos that I called Isale Eko from Idumagbo should be divided between our Chiefs and then you can ask them to collect taxes from the people with a clerk to help them. Chief Ashogbon who I understand is a qualified dispenser could be made use of in a way that will make him feel he is a Government servant as well as a Chief. Similarly that Oba I have mentioned could be made use of if he was made Treasurer or Court Clerk and if his salary was increased to £10 he would be very pleased. The market master at Ikeja is getting £5 and he is looking for an increment and he is getting it. We are giving the Chiefs no C.O.L.A. Sir, I respectfully beg you to use your influence with the Commissioner of the Colony to give our Chiefs in Colony Division C.O.L.A., the money to be found somewhere or other. Wherever you may go, Sir, perhaps you may notice it, Sir, in every town you see markets being held in the square or near the Oba's House but this indicates that the Oba is the owner or master of the town's market and at regular intervals his boys would go to take whatever provision was needed for his food and no one would challenge them for so doing, but instead of that you are now collecting market dues. Now why cannot a percentage of the market dues

be given to our Obas and Chiefs to help them to improve their conditions. They are entitled to it, whether the market dues are got either in Lagos or the Colony Division. I hope, Sir, that I shall be answered before this House rises by the Honourable the Commissioner of the Colony. Well, Sir, I have to suggest again that in our estimates it may please the Government to give a portion or a grant-in-aid towards the upkeep of our Chiefs.

Sir, I thank you very much indeed that since last year when I became an Unofficial Member of this House my speeches or questions have not been treated as vapid effusions. During the course of my maiden speech I pleaded that Government should make more use of our local daily and weekly papers in getting the people to know whatever Government want the people to know. I am very glad indeed to see, Sir, that this is now being done and we are very thankful for it.

Then again, I asked for definite help so as to be able to have a road to connect Badagry with Lagos so that we could travel from here to Badagry or from Badagry to Lagos. Sir, I was very much surprised and grateful to see that the sum of £600 was voted, but I do not know whether it has been spent because I do not hear whether the work is going on. The people are very anxious and I think some people are looking forward to the time when they will be able to leave Lagos and go freely to Badagry and come back.

Then I spoke about palm wine. Well, Sir, the Honourable the Director of Medical Services took it up very warmly and got the Medical Officer of Health to address himself to that task. I can assure the whole population of Lagos that they are getting far better palm wine than before and it is very safe indeed and full of vitamins. Well, Sir, the price of palm wine has gone up one hundred per cent.

I thank you also, or perhaps the Honourable the Postmaster-General through you, for giving additional staff to Agege and for opening a postal agency at Ikeja. Then again we are very grateful in noticing that in consequence of the reply to my question by the General Manager of the Railways Ikeja has become a staff station but although trains are allowed to cross there still he has not granted us the concession of boarding the Oshogbo trains or trains going North from that station. I beg to submit that request through Your Excellency, and I hope he will do it next week.

Still another point that I stressed was about the Native Administration Court. I agree with a daily paper and I support it by stating my conviction that the word 'native' should be dropped altogether from either Court or Administration because it is not a Native Court.

I do not know whether I am in order in saying that now the idea that appeal can be made from Native Court to Magistrates Court does not commend itself to us. Because it is the Magistrates Courts that should send cases down to be tried by the Native Authorities in that an appeal should come to Native

Authorities through them. But to send cases up to Magistrates Courts I don't think would be welcomed by our people and I still assure you that all the people would rather have their cases tried in the Magistrates Courts.

Well, when I became a Member of this House I felt some anxiety when I found that, together with other matters, I had to go through the estimates with staggering figures. By no stretch of imagination could I think of all the places that we wanted money for. Only last night I was speaking to one of your men at Government House that I have been thinking of it for so many years as 'Government Party House' or 'Legislative Council Dinner House', and I do not know where the Governor's office is! He has promised to show me this evening! Well, Sir, I would ask that Unofficial Members of the Finance Committee should visit any of the departments that you are voting money for. The Government Printer asked us to visit his works one day, we African Unofficial Members thought that we should go in a body but we have never been able to do it, although one said that he had been and seen what was wanted. There are three places that I should not like to go to by myself—The Prison, the Police Department and then the Hospital theatre or mortuary. Well, Sir, my submission is this—before we sit to consider the budget the Unofficial Members should be taken round with a cicerone to show them some of these places, beginning with Government House. I do not know where the Chief Secretary's office is. It is very difficult to see the spade work being done by both European and African Officials there. We want to see what they are doing. I was told that even Your Excellency is having special hours of hard work. One Honourable Member has referred to the Public Waste Department for the Public Works Department. Well we want to see the work they are doing and even the Nigerian Railway, we should like to go and see it all. Then we shall be able to vote for whatever they want. Sir, I hope that this will be favourably considered and perhaps even now it is not too late, before we consider this budget, for us to be able to have an excursion day—with a cicerone.

I start now with the Information Office. We are very thankful indeed for that Department. That Department is giving us a wealth of information every week in simple English but, Sir, it is still wanting, in my opinion, in its duty. It is in this way—there are twenty four columns in the *Nigeria Review* and out of these only three are devoted to the vernacular language—Yoruba and Ibo. Why Hausa has been dropped I do not know. Well, Sir, I can tell you there are a good many people reading whatever is given to them upside down so that you see, Sir, it is better to give it to us in the vernacular than in simple English. I remember one day some market women came to me and wanted to know from me, as a Member of this Council, why the Government was not allowing them to use their lamps in selling their wares

early in the morning and late at night. I asked them why they had come to ask me about this. Well, they said, "We have read in the paper that we are not to sell our things with a light on." "Where is the paper? I have not seen it." When they showed me a copy I saw the 'black market'. Black market! Well, as soon as they left I telephoned to the Information Officer and asked him to translate 'black market' into Yoruba. Then I was told that the District Officer at Ilaro had made a similar request and that it will be done. It has not been done yet and the people still have the idea that 'black market' is the Government's order.

And again, Sir, I think the Information Office could get competent Africans who could write Yoruba well and present it to our people. I don't know about Ibo, but talking about Yoruba I think it is felt that this office has not got a competent man there, and has to-day to republish what I consider to be *infra dig* to the office, news already published about the war in a Missionary periodical called *In Leisure Hour*. I consider that waste of money and it would be more economical to engage an African lady or capable person as the C.M.S. bookshop did for such work. That would be much better for the Information Office.

Then, Sir, I come to the Accountant-General's office. We were told that Your Excellency was "perturbed" by arrears of work in that office. Well, Sir, to ease the situation we asked that the Head of the Department should be invited to an interview on the 29th of January, during which he cleverly led and left us perplexed in a labyrinth of thought that no African could be found in his Department to do initiative work. I do not know, but we are still perplexed. I hope that that opinion will be revised.

Then I come to the Administrator-General's office. It was our desire that a Deputy should be appointed for the Head of that Department. We have not seen it in the Estimates, there is no provision for it, and yet we feel that there should be a deputy to act for the Administrator-General when he is away, with the same power and authority as the Chief Secretary has when Your Excellency is away. The Administrator-General's work is work that concerns the whole of Nigeria and we want departments in different parts of Nigeria to be opened. We see in the Gazette that such and such a person is dead, and how is it possible from Lagos to go and administer estates in other places. We feel that that department should be enlarged.

Then I come to the Commissioner of the Colony's office. The Commissioner of the Colony to us in Lagos and the Colony Division is the Governor without letters patent, because he does everything that the Governor was doing in days gone by. We see him here, there and everywhere, and when there are various notices in the papers, such as food control, they always bear his name. Well, he is the head of the department that I should like many a time to go and see, but I could not make any appointment with him because

I pitied his position and condition in that office. I went there once and found many people waiting in an outer office, and when you got past that office you went through the District Officer's Department, which was usually very busy too, and indeed the whole office was so crowded that the Commissioner of the Colony had to take us once to Glover Memorial Hall so that we could have a discussion. We should like to see his office extended, and as one Honourable Member suggested for the Comptroller of Customs, I would suggest too that his salary be raised to £2,000. If it is not raised Sir, I am making this request for him, that in Lagos and the Colony Division we don't particularly like the idea of our Commissioner of the Colony being sworn in every session of this Council as a Provisional or Extraordinary Member. I think he should be made a permanent member because he is doing great work indeed. And also he should get more District Officers with him. Ikeja has developed very much, and though we were thankful for one District Officer there we feel that there should be two District Officers, otherwise they cannot cope with the work in the Commissioner of the Colony's department.

Now, Sir, I come to the Police Department. I look through the Budget and I find that the Africans who are paid as policemen are very poorly paid. They should have more money than now, considering that at this stage you want intelligent men, you want clerks, boys from school who will go straight to the Police Department and help the country to keep peace. But when they know that they are going there for such a hard life, sleepless nights, rigorous discipline, and many a time have to take their lives in their hands, and for all that to get only labourer's pay—labourers are even better paid than the police—well, Sir, our young educated men do not like to enter that department. We feel, Sir, that the wages being paid there should attract intelligent men and you will get them. We have very painful evidence indeed—only yesterday it was published in the paper that a C.I.D. man was being prosecuted for fraud, and we are very sorry indeed to know of policemen who have been convicted and imprisoned, the reason being they are not well paid. They are more out-of-pocket than the salary they receive. In days gone by our policemen had lights—I don't know how my friend from Onitsha met that Inspector of Police because to meet a policeman in the street you will be scared by the flash of his light—our policemen have not got such lights. Now I have asked many of them many a time and they have said "We have got only empty torches in our hands because we are told to buy batteries and when we have no money we do not use them." Although I see a lump sum in the Estimates I don't know how that money is being spent. I think we shall have to ask the Commissioner of Police about it.

Then, Sir, the Forestry Department. That department is doing very good work all over the country, but there is one point. The men who are engaged as Rangers are very poorly paid. I have met some of them travelling. Their salary is from £18 to I believe

£42, and although some of them have worked as rangers for fifteen years they have not yet got up to £42. Yet some of these men are educated men, they write their own reports, they prosecute defaulters. I think that something should be done for them.

Then, Sir, I come to the Medical Department. I thank the Director of Medical Services for what he has done with respect to palm wine, but I still think it would be money well spent if researches are made into our native medicines. I remember a book published—I could not obtain it—where native herbs and roots were given as proper remedies. Well, Sir, during my maiden speech I said that I had been told that the bark of wild rubber was found to be good to check dysentery and other things like that. We have been told that palm oil has some vitamin in it that is better for a cough than cod liver oil, and since that time I have cured pneumonia with palm oil. I made the patient drink palm oil over and over again, almost a tumblerful of it, and within a week that patient was cured. So it seems there is something in our native herbs and it only needs Government or the Medical Department to institute researches. We feel it would be a great help to the whole of Nigeria, if not for use by Europeans for use by the Africans. After all said and done, we feel that our native medicine has got greater effects on us than the English medicine. Where you use one pill of quinine I know I have had to take three to do me any good. We have also got a substitute for quinine, a bitter leaf, and we drink perhaps two tumblerfuls of that potion and then by daybreak our fever is gone. So I believe it would be money well spent if a sum were earmarked for research into native medicine.

Now Sir, I come to the Railway. Well I travel very much by train, and since I became a member of this House I have listened very carefully to remarks being made about the General Manager. I can assure him therefore that he is being well and highly spoken of. At a time when the Railway workers were discussing a petition to be sent through the Head of the department someone said "No, don't do it that way. The Manager is very sympathetic. Send it to him first." Well that is the way they are speaking of him and they would do anything to please him. Although that "Loco Strike" incident was unfortunate we have seen that the people were misguided or misled, but they are still loyal to him, indeed they are grateful for the promises he made to them. But the public are not so grateful to the Manager of the Railway. In this way Sir. Europeans who travel in the 2nd and 3rd class compartments know what the people are suffering. I travelled myself with a European missionary lady, and that day I saw the Deputy Traffic Superintendent doing spade work in the van. When I entered the train I saw him conversing with that lady, and was hoping that he would ask her to go to the first-class, but he never did, and by the time we got to Lagos that lady was so tired. She had to re-arrange all her baggage and slept in a pitiable condition on it. And that was a European

lady. Now I began to travel by train in 1902. I remember the first time I travelled, the coaches now used for second class were said to be the compartments for African servants attending European first-class passengers. And those compartments remain the same to-day—hard seats and very uncomfortable. Well passengers are still looking forward to the General Manager bringing the second-class coaches to such an acceptable condition that they will be fit to travel in, and only then shall we be able to speak of him in the same terms as his employees. I have looked through the Estimates and see nothing there for the improvement of second-class coaches.

Well, Sir, I thank you very much indeed for your patience in listening to me, and although I was surprised and shocked to hear this may be your last Budget session, well, Sir, when the time comes we hope that you will give us the opportunity—if not the public at any rate members of the Legislative Council—to see you off and shake your hand and wish you well, and not to leave us, as sometimes has been done, without any notice, because we want our good wish to go with you, to speed you whether you go by air or by sea, so that your plane will not crash, nor will your boat be torpedoed, and that we shall always hear well of you until the day when we shall say "Hats off to Lord Bourdillon."!

Council adjourned at 12.21 p.m.

Council resumed at 2.30 p.m.

The First Lagos Member (The Hon. H. S. A. Thomas):

Your Excellency, I must first of all thank Your Excellency for your address delivered to this House on Monday last. I am sure that all the Unofficial Members have learnt of your impending departure on retirement with regret, but, as Your Excellency has said that there will be another occasion to make valedictory remarks I do not intend to follow the example of my honourable friend, the member for the Colony Division, by dilating on your good deeds and achievements in Nigeria during Your Excellency's term of office.

I am sure that all the Unofficial Members regret very much the impending departure on retirement of Their Honours the Chief Commissioners for the Eastern and Northern Provinces. I am a Colony man and have had very little dealings with either of these Chief Commissioners outside this House, but I have been very much impressed by the way in which they have always debated when matters affecting their several Provinces have arisen. I was much impressed by His Honour the Chief Commissioner, Eastern Provinces, particularly when I raised questions regarding the Ilesha troubles and Native Administrations. He approached the questions with a liberal and progressive spirit and not only shewed a sympathetic understanding of the problem but took such steps as gave satisfaction to all concerned. I know that not only here but in the Eastern Provinces he will be sadly missed and I am sure all will join in wishing him a very happy time in his retirement.

With regard to His Honour the Chief Commissioner, Northern Provinces, he has always shewn in this Council sound commonsense and sound reasoning and has always carried us all with him. We are particularly grateful that, before leaving Nigeria, he has prepared the way for great changes which are to take place in this House. Many people have long desired that the period of non-representation of the Northern Provinces on this Council should come to an end and everyone will be happy to hear that steps have already been initiated by His Honour with a view to effect such changes as will bring the North within the scope of this Council. I am sure he, too, has the best wishes of us all for every happiness in his retirement.

I am glad that we are not saying farewell today to His Honour the Chief Commissioner, Western Provinces; we are all glad to see him back after a severe illness looking fit and well able to weather the storm for many years to come.

Your Excellency, this Council attains its majority at this session. It has had a longer lease of life than any of its predecessors. The Legislative Council of the old Colony of Lagos lasted till 1906 when the Colony amalgamated with the old Protectorate of Southern Nigeria and the Council then gave place to a larger Council with greater scope. Unfortunately, the Southern Nigeria Legislative Council had a brief existence of only seven years before the amalgamation with Northern Nigeria took place and another Council with its scope strictly restricted to the Colony Area only was inaugurated. This restricted Council yielded place to the present one in 1922. Last year, at the budget meeting, I referred to the coming of age of this Council this year and suggested that, as a gesture of goodwill, Government should increase the number of Unofficial Members to equal, at least, that of Official Members. I trust this suggestion is receiving consideration and will form part of the changes which, we have already been told, are likely to take place and for which His Honour the Chief Commissioner, Northern Provinces, has paved the way.

Since our last meeting, we have had the pleasure of congratulating our friends, the Honourable Mr A. Alakija, the Honourable Mr S. B. Rhodes and the Honourable Mr Avezathe on their appointments to the Executive Council as Unofficial Members. I agree with Your Excellency that these appointments represent a step of considerably greater importance than has generally been realised. We all know that certain criticisms were levelled not because there was any lack of appreciation of the importance of these appointments but because there has been no popular machinery set up whereby such appointments can be made. It seems to me that the country is getting impatient of Government nominations. I trust it may be possible in the near future for Government to devise some means by which the people will be able to elect representatives to the Executive Council; but just now, I think, we must go slowly and be thankful for small mercies.

Regarding the question of COLA. The payment of COLA has made very heavy inroads amounting to about a million pounds into the exchequer and it is a credit to the Financial Officers that we have been able to meet this in the way we have done. We have been able to find sufficient money from surplus revenue to pay a good deal of it and have not been as badly off as we thought we would be at the outset. Talking of COLA, may I remind the House that a large number of pensioners are still waiting to hear something of what is decided about them? I should like to make it clear that whether COLA is granted to pensioners or not I personally do not stand to benefit or lose, but there are other pensioners who are due for consideration. There are pensioners in the country who are in suspense and have been very hard hit by the present rise in the cost of living. We have been told that the Secretary of State's decision is awaited, but may I urge on behalf of those pensioners who are getting mere pittance that Government might ask the Secretary of State to come to an early decision?

Turning now to the Estimates, one is glad that a policy of cautious optimism still obtains. On looking through, one finds little difference between them and present year's estimates. Although several new appointments are provided for, I feel that where Government is getting revenue and funds are available it is not wise to overburden officers with work. I am not saying that I agree with all the new appointments provided for, that will be a matter for the Finance Committee, but I agree that where certain departments are shewn to be overburdened with work, it is only fair that certain improvements be made in the staff position.

It is particularly gratifying that it has been found possible not only to pay full contribution into the Renewals funds, but also to restore contributions which we had withheld in the past owing to insufficient revenue. We do not know what conditions will be at the end of the war, but we do know that there is a heavy drain at present, for instance, on Railway locomotives and engines and that we shall want a good deal of replacements of rolling and other stocks at the end of the war. If I might suggest, I would say, if our financial position were satisfactory, that our present contributions to the Renewals funds be increased because, if they are not, with the high prices now ruling and the possibility of still higher prices at the end of the war, we may not be able to procure the necessary rolling stock and other requirements without imposing a further heavy financial burden on the country.

I must say here, coming as the matter does under finance, that I am in agreement with the proposal to substitute lump sum payment for fixed percentage of tax demanded from Native Administrations. It appears to me strange that while this Council had no control over Native Administration finances or estimates, it should be asked to vote certain monies required by Native Administrations.

I think the Council can properly ask why it should vote money needed by Native Administrations when it has no control over their finances?

His Excellency :

I must correct the Honourable Member on this point. Under existing practice this Council is not asked to vote any amount to the Native Administration: it is merely asked to approve the Government estimate of what the percentage allocated by the Governor to the central revenue would amount to. That is the position. There is no question of any responsibility on the part of Council to decide the percentage. It is merely to discuss whether the Government's estimate of the percentage is or is not likely to be correct.

The First Lagos Member (The Hon. H. S. A. Thomas) :

Your Excellency, my point is this Sir, that we give you more power to adjust things without having to come here to ask for more money for, say, COLA for the Native Administration Staff. Under the present practice, we are bound by the percentage fixed whether the needs of the Native Administrations are fully met or not. If, say 30 per cent is fixed and 15 per cent is wanted back they must come to this Council. But with lump sum payment, the matter may easily be adjusted by Your Excellency. I am therefore in favour of the proposal for the substitution of lump sum payment as this will simplify accounting and save a lot of trouble in future.

Our revenue, thanks to the Comptroller of Customs and Excise and other Financial Officers, is, fortunately, in a healthy state. I would not, therefore, go the length of advocating any increase of salary, but I would ask that Your Excellency see to it that the remuneration of officers is commensurate with their responsibilities. I do not think certain officers should be singled out for additional pay without considering the whole range of salary scales of officers. That is a matter for Your Excellency and the Executive Council.

I think the suggestion that the salary of the Comptroller of Customs be increased was only meant to invite attention to his excellent services and it is only in this sense that I support it.

Trade and Revenue usually go together, and when revenue is in a healthy state, we generally take it that trade is expanding and the people are well off. But, Your Excellency, the views of the indigenous population, so far as I can ascertain them, are that most of the profits go to the big firms and very little, if any, come to the African traders. In fact, it has been expressed, in some quarters, that the big firms are trying to squeeze out the small African traders. Well, Your Excellency, I think this is a matter which Government has to look into, particularly as it has been suggested that the Government was encouraging the big firms. It is generally said that, in many cases, the big firms sell commodities by retail to the public at the same price as they sell to dealers who

bought from them in large quantities for sale by retail. All this is not to the advantage or benefit of the retailer. I think we should have middlemen and it is the duty of the big firms to encourage this class of African traders. It would appear that this has been the complaint of the African for the past forty years and I cannot but refer, in this connection, to a speech delivered on the subject of 'Trade and Revenue' by the Honourable Dr O. Johnson, senior member of the Legislative Council of the old Colony of Lagos at a public lecture given at the Glover Memorial Hall by His Excellency Sir William MacGregor, the then Governor of the Lagos Colony, at the inaugural meeting of the Lagos Institute in October, 1901.

The Hon. Dr O. Johnson said:—

“ On the subject of Revenue and Trade on which I have
“ been asked to speak, we have a mass of facts and figures
“ arrayed before us, sufficient to raise the hopes of the
“ despondent (if figures can do it.)

“ Revenue and Trade generally go together: we take it
“ as a general rule that if trade is flourishing, revenue will
“ be in a healthy condition; but if it is always so theoretically
“ is it always so practically?

“ To look into this matter properly, let us divide the
“ whole community into three sections:—

“ 1. Government, 2. Merchants, 3. The people who are
“ the consumers. Each has its own way of looking at the
“ subject, and it does not follow that what is favourable for
“ one is so for others all round. Let us for a few minutes
“ view the subject through their glasses and see how each one
“ looks at it.

“ 1. *Government.*—The Government is more concerned
“ with Revenue. The Government is also interested in trade
“ of course, but from the Revenue point of view. So the
“ Merchants are also interested in trade and mainly from the
“ dividend point of view. The people also are interested in
“ trade, but as a means of existence;—how to make two ends
“ meet.

“ Government places its fingers on the pulse of *revenue*
“ to diagnose the beating of the heart *trade*. Trade we take
“ it is the heart of our community. Statisticians say the
“ Export trade shows the purchasing power of the country.
“ Government seeing a large Export, looks for a large Import,
“ and farm the Revenue accordingly, perhaps up to a point
“ just short of killing trade; and is able to project and
“ carry out large schemes, and point to a flourishing Colony.

“ II. The Merchant on the other hand minds rather how
“ fast his goods leave his store; for, having paid his duty to
“ Government, if the goods lie rotting in the store, he cannot
“ share the optimistic views of the Government.

“ Competition diminishes his profits, but competition
“ does not make the slightest difference to Government. To

“ the Merchant therefore, a large Revenue does not necessarily imply a large profitable trade.

“ III. *The people.*—Merchants can always combine in a way the people cannot. When they fix their figures too low the people suffer, but having no alternative, they accept the inevitable. If Merchants call for Coffee or Cocoa, Annato or Fibre, Rubber or Logs, hold out bright hopes, dazzle their eyes with high quotations, the people rush forward, stake their all, and sometimes more than their all, and then told “ No market ”, the people are ruined: but Merchants can store up, watch the market, and at a favourable opportunity, make a good thing for themselves out of it! However large this sort of trade may be, it brings neither prosperity nor purchasing power to the people; and a tariff (however indirectly) based on it may be oppressive.

“ Some years ago in England, it used to be said that one penny in the pound added to the Income Tax yields one million more to the Revenue. Now the same yields over two millions! This shows increase of wealth and prosperity. Solid wealth Gentlemen!

“ Now, to compare great things with small, some years ago, the duty at the Customs here was 4 per cent *ad valorem*, then it was raised to 5 per cent now it has been raised to 10 per cent. It always struck me, that if trade were really expanding as they say it is, then 5 per cent ought to be yielding as much as we expect 10 per cent to yield now; that would be a better indication of expansion. But if it is found necessary to raise the duty in order to meet a falling revenue, that is no indication of expansion or prosperity, never mind the “ purchasing power ” of Statisticians. Let us fight shy of statisticians wherever we meet them.

“ Inference drawn from English trade statistics may not be wholly applicable to us. England has many things we have not. The English besides being a Great Commercial People which we are not, are a great Industrial people which we are not; they are a great Manufacturing people which we are not; they are a great Carrying people which we are not; they carry their own trade and carry other people's own besides: and above all they are great Capitalists which we are not.

“ Where all this is wanting, you exploit the country with foreign capital and say you have developed its resources, when capital has deducted its principal and interest, and the shipping its profits, precious little is left for the country, and it is that little that is the real local wealth; to reckon upon the whole is fallacious, like the old fallacy of a National debt being an advantage to the country; aye, but what kind of a country? A rich country or a poor one?

“ To one like England, France or the United States, yes, certainly; there the Government borrows from her own people; it is the safest investment, the best security for prosperity; for the money never leaves the country. But to a poor country like our own where the money comes from abroad, and both the principal and interest will have to go out, I see no advantage, I see impoverishment.

“ Gentlemen, I am not a Merchant and I do not claim to be a political economist; I may have given expression to some financial heresies, but I only endeavour to state the case as thousands in the community feel it to-day.”

To-day it would seem that the position is very little improved. The country after forty years could hardly boast of really solid wealth. I have read the speech to show the great responsibility which devolves on the Government in the matter. Much has been done during the present war to make the country self-sufficient in some directions. I hope it will not be necessary to wait for another war before plans are devised to make Nigeria a great industrial country.

I now come to the Education Department. It is hoped that adequate provision will be made in the ten-year plan for the education of our girls and women. This is very necessary if it is true that a country cannot rise above its women.

It is also hoped that the ten-year plan will not prove top-heavy and that a good deal of the Imperial grant will not be consumed by allowances, passages etc. of European officers or amenities for the European staff, but that the country will have the full benefit of every penny so that it may rise and take its proper place in the British Empire.

In this connection, I would suggest that Government should consider the formulation of a scheme whereby Africans will be sent to England after the war in groups of, say, five or six every year to study Education and come back to help in the development and educational work of the country. There are some twenty-million people in the country and only a very small fraction of the children of school age have the opportunity or benefit of education. I strongly recommend that this aspect of the question be not allowed to escape notice.

Here, I would seek Your Excellency's permission to say one word about the restriction imposed upon students travelling to the United Kingdom. On Monday last, Your Excellency referred to the deputation which waited on the Chief Secretary as having failed to inform the people present at the Mass Meeting held in the Glover Hall last Saturday afternoon that the restrictions in question were only a war-time measure. I am afraid Your Excellency has been misinformed on this point. All the local papers published on Monday morning stated that the Mass Meeting was informed that the restrictions were only a war-time measure and I now have the notes which I read over more than once to the meeting. The notes read: “ The Chief Secretary to the

Government told the deputation that it was definitely not the intention of the Government to take powers after the war to interfere with students wishing to go to England."

I come now to the Medical Department. At the last budget meeting at which Your Excellency was, unfortunately, not present, I raised the question of the Onikan hospital as an example of discrimination in medical matters. I pointed out that Dr Gray who originally owned the hospital treated both black and white alike therein. So long as they could pay the charges it did not matter to him of what colour the patients were. But no sooner the hospital was acquired by the Government with public funds than it closed its doors to Africans. At first, both Africans and Syrians were not allowed admission to this hospital, but now Syrians may go there and receive treatment and it is only the African who is excluded therefrom. I understand no such discrimination against the African is observed in Sierra Leone and the Gold Coast and there are no exclusively European hospitals in those places. People view such discriminations with misapprehension; they seem to feel that the Government is not well disposed to the African. I hold, Sir, that the time has come when such discrimination should cease and all hospitals in the country be open to all people who are in a position to meet the charges. I may say it is not a credit to us, but rather a disgrace, that British subjects are not admitted to hospitals to which Syrians and other non-British subjects are admitted, because they are Africans.

The other matter to which I want to draw attention is the initial salary now paid to Yaba medical graduates. We have been told that certain changes have taken place in their course of studies and training. I do not know whether these changes adversely affect the efficiency of the new graduates but, if they do not, it is difficult to understand why the new graduates should be paid a lesser salary, viz. £120 instead of £160 a year. The former initial salary of £160 a year was not regarded by the men as commensurate with their responsibilities and already some of the older men had resigned their appointments. Some of the new graduates have been placed in charge of hospitals and I understand that a Dr Wilkie drawing a salary of £120 a year only took charge of the maternity hospital at Calabar for nine months without any serious complaints about his work. The Lady Medical Officer who was previously in charge of this hospital was getting £1,000 a year. This is a matter which, I submit, should receive earnest consideration of Government.

Unlike other Departments, the Medical Department would appear to be showing discrimination in regard to Medical Officers. Not many years ago, all Medical Officers, black and white, were arranged according to the dates of their appointments under the same heading in the Staff List, but some four or five years ago, this was changed and the European Officers, because perhaps they had a sort of Trade Union of their own, were grouped and arranged

in order of seniority between themselves under a separate heading in the Staff List. If Government permitted this, I think it is time the African Medical Officers form a Trade Union of their own.

It is strange that after so many years, no African has been considered worthy of appointment to the post of a Senior Medical Officer. Is it because none has shown sufficient administrative ability to justify advancement? These are some of the things which cause dissatisfaction; it is difficult for the Officials to realise the number of questions addressed to us by our people. They feel generally that we have not represented the matter properly to Government and are not doing our duty by them. I cannot believe that it is impossible to find an African Medical Officer with the necessary administrative ability required for the post of a Senior Medical Officer and would appeal to Government for serious consideration of the matter.

Now I come to Midwives and Nurses. Your Excellency, complaints are rife as to the unsatisfactory manner in which these officials treat patients. This class of officials generally do not seem to be attending to their duties properly. It is not every girl who is fitted to be a nurse or midwife and the mere possession of a high class school certificate should not be the only criterion. Nurses must be carefully chosen and regard should be given to the possession of qualities of heart and mind. Some of the elderly nurses are no doubt doing their best but the younger ones do not seem to appreciate the importance of their work or to have due regard for human life. People generally go to the hospitals to get the best nursing and it is a great pity that nurses behave in such a manner and seem neglectful of their trust. Our people are long-suffering hence this unsatisfactory condition has continued for so long; they would rather bear suffering themselves than reporting and getting others into trouble. To illustrate this, I will quote a case which has been reported to me. A teacher took his pregnant wife who had already begun to see signs of expected labour about 10 o'clock one evening to a hospital. The wife was admitted and was in a happy frame of mind when the husband left her in the hope that before morning the wife would have safely delivered. Early in the morning, he called at the hospital only to find that his wife was dead. After failing to ascertain the cause of his wife's death, the poor man wrote to me and sent me certain questions. I saw the late Director of Medical Services, Sir Rupert Briercliffe, who kindly made investigations. It was discovered that the nurse who was on duty at the time of the admission of the woman did not report the case to the senior nurse until long afterwards when the condition had become critical. The Director naturally dismissed the nurse. On my communicating the results of the investigations to the husband, I received a letter from him asking me to intercede with the Director not to dismiss the nurse. "My wife is already dead", he said, and "why send away the nurse?" Such is the mentality of our people.

I now come to Sanitary Superintendents and African Sanitary Inspectors. There are several African Sanitary Inspectors who have held for some years certificates of the Royal Sanitary Institute which are the same certificates as are held by Sanitary Superintendents. The question arises as to why not one of them has been found fit to be raised to the post of a Sanitary Superintendent. I know that the mere possession of a certificate is not everything but some of these African Sanitary Inspectors stationed in Lagos have filled posts held by Sanitary Superintendents with credit for long periods. Whereas in Lagos, there were, ten years ago, some eight European Sanitary Superintendents and this was then considered the least number required, only two or three have been stationed here for some long time, the work formerly done by the other Sanitary Superintendents being now entrusted to African Sanitary Inspectors who have not been advanced. I will, of course, be told that this is a matter for the Lagos Town Council; this is so, but I believe there are similar cases in other places under the direct control of the Honourable Director of Medical Services. I therefore appeal respectfully to him to look into this matter.

I come to Land matters. Four years ago, Your Excellency was pleased to cause a public enquiry to be made into certain matters affecting land in the Colony. Sir Mervyn Tew, the Commissioner, came here for this purpose in 1939, but, since then, his report has remained a confidential document. I submit, Sir, that, in fairness, the public are entitled to know what the report contains. Some of the matters dealt with are very important and in one or two cases had been the subject of appeal to the Privy Council. I realise the great necessity for economy in stationery, but if, owing to paper shortage, the whole of the report cannot be published, I would ask that a summary of the recommendations should be printed and made available to the public. I am aware that the delay which has taken place cannot be wholly attributed to the Government, but the people are naturally anxious particularly as cases bearing on some of the matters which formed the subject of the enquiry have recently been taken to Court.

It is a common saying that "if you want to start trouble in West Africa, all you have to do is to take or interfere with the land of the Native." This shows the vital importance attached to land and land matters in West Africa. I understand that no appeal against the decision of the Registrar of Titles is allowed under the Registration of Titles Ordinance which applies only to the Colony at present. The question of land is intimately bound up with the life of the peoples of this country and no restriction should be placed on appeals in such a vital matter. I understand that where decision about titles to land is given in the Courts, appeal is permitted, but, I submit, Sir, that appeal should also be permitted where the decision is taken by the Registrar of Titles. Before the last Great War, the Laws of Nigeria did not permit of appeal to the privy Council in land matters and Chief Oluwa had

to go all the way to England to obtain permission for the Apapa land case to be heard by the Privy Council when Their Lordships of the Privy Council expressed their views against any restriction being placed in the way of appeal in land matters. I submit, Sir, that appeal should be permitted in all land cases so long as a person has the money to meet the costs.

I observe that an amendment to the Appellate Court Ordinance is to come before this House and I hope amendment in the direction I have mentioned will come later. The Honourable the Attorney-General will, I am sure, be interested in this matter.

Reference has been made to the treatment given by the Survey Department to surveyors who retired after several years' service in the Government. What I want to invite attention to is the fact that it has come to be generally recognised that the Survey Department is about the only Department where the grant of increments to the African Technical Staff is more the exception than the rule. Every little offence is made a cause for stoppage of increment. If this is so, the matter seems to require the attention of Government.

This morning, the Honourable Member for the Ibo Division spoke of children and their behaviour. I have refrained from saying anything in the past because I have a feeling that it is almost in every age that people of the older generation have complained of the behaviour of the rising generation. My father complained about me and perhaps his own father made similar complaint about him. But, to-day, things have got to a stage that one is constrained to ask what the schools are teaching.

If one meets two boys fighting, all that one gets generally for attempting to stop them is a round of abuse and one would be lucky indeed if, having moved away some distance, a stone or two is not shied at one for one's pains. In former days when policemen were about, it was easy to call them to stop the fighting but to-day things are different. We would like to be proud of our children, we would like to see them take our places and go one better, but if small children of ten years of age or so behave in the streets in this way, I am sure, one cannot be blamed in asking what our schools are teaching? I know the answer will be that the parents and the schools must co-operate. Yes, that is true, but are the schools doing anything at all in this matter?

It is a question how many of our Education Officers understand Yoruba or other vernacular of the country and could be trusted to know when a boy is making use of indecent or abusive words in their very presence. We want more trained Africans as Education Officers; they will understand the language and the people of the country better. Hence my suggestion that Government should send a large number of Africans to England yearly, immediately after the war, to study Education.

One Honourable Member has referred to the matter of discharged soldiers. Well, it is not an unusual experience to find soldiers at this time getting out of hand, but steps must be taken

to prevent this. Most of them think that as soon as they don a uniform they can do what they like and people generally feel that the soldier has too much authority behind him and that although the Courts are trying to teach him a lesson, the military authority is strongly behind him. There is a general impression that if a soldier is sent to prison, he can be taken out at any time by some high military Officer on the plea that he is urgently required for war work. It is a bad thing if soldiers can boast that even if they commit manslaughter and are sentenced to ten years' imprisonment their Commandant may come along and take them out within a short period, say six months. I don't know whether such an idea really obtains among soldiers and, if so, what effect it is having on them; but as war is on and we are in imminent danger, it is very necessary that Government should look into the matter.

About discharged soldiers, we know what has happened in the past. I am glad Government means to take steps to see that they will be properly settled and provided for after the war so that they will not become a menace to the peacefulness of civilians.

With regard to the Police Force and the demand for educated and intelligent men, I feel that if we want a more educated and intelligent class of youths, we should have to offer better salaries than at present. In this connection, I may refer to the case of an intelligent and well educated youth who held a Cambridge School Certificate and joined the Force at an outstation. This young man came to see me sometime ago and complained that his pay was totally inadequate to meet his needs. His father had assisted him for some two months, but was unable to help any longer as he wanted to see after the education of his younger brothers. This young man was later discharged from the Force at his request. I think such a young man would, with good behaviour and conduct, have proved invaluable to the Force particularly now that there is so much rudeness on the part of the men and even some Officers. Most of them treat people anyhow and one sometimes wonders how they treat people who are actually charged with offences. With the little authority they have, they think they can insult anyone and do almost anything because they believe they are protected by law. I am not saying that this has come to the knowledge of the Commissioner of Police, he probably doesn't know of it.

Recently a man I know came to complain that his "brother" had been arrested and, at his request, I wrote the next day to a lawyer friend of mine who found out that the brother had not been charged. The man arrested was later discharged but he had been detained for twenty-four hours. I think this is a hardship, a definite hardship, where a man was deprived of his liberty and in the end was sent away without any charge being preferred against him. Well, the Commissioner of Police is here himself and hears all this. I am sure he will leave no stone unturned to make things better.

With regard to the Railway Manager, I think we all agree with what Your Excellency said in your Address and if I am to add anything, I would say to him "Well done!" I am particularly gratified that, at long last, the Railway Staff of Nigeria have been granted pension rights and brought into line with Railway Officials in the other West African Colonies. Another point I want to mention is that when we raised the question of pensions for the Railway African Staff here some three years ago, we were told there was a report which was presented by a Mr Watson and which was considered and approved by the Secretary of State, to the effect that pensions should only be granted to men recruited from overseas. I am glad that after all the battle has been fought and won, and I congratulate the Railway African Staff.

The Honourable Member for the Colony Division referred to the question of research into Native Medicines or medicinal preparations according to Native ideas. It is a question that has arisen several times, and if I am correctly informed, was discussed at a meeting of Medical Practitioners; it would appear that the Director of Medical Services at the time was willing to encourage it with a view to regulating the dosage. I would be shocked to have two tumblerfuls of anything prescribed for me to take as a medicine, but if the doses are regulated, most of us would take these medicines; some of them are very effective and if taken in correct proportions there is no reason why we should not take them. I therefore agree with the Honourable Member that something be done in this direction. The late Dr Sapara did a lot in this direction and I don't think Government will be opposed to such research. We know what difficulties there are in getting things out from England, but if we have good substitutes here we need not bother to order medicines out. I trust some steps will be taken in this matter by the Director of Medical Services with beneficial results.

If you will allow me, Sir, to go back to the Railway: about three years ago, I made a very strong observation on the necessity of appointing more Africans to higher posts on the Railway, and sometimes ago the Honourable the General Manager put forward a scheme for technical training of staff for such posts. I was glad, and said so at the last Budget meeting, that such scheme had been devised. I would like to ask, Your Excellency, whether the Honourable the General Manager will be good enough to give us some idea of how much that scheme has been patronised and how it is working. It is an important matter. One Honourable Member has already referred to the matter of technical training; his view was that the apprentices were not being well-treated and were being discouraged and so on. In that case, I would like to know more about the matter and suggest, Your Excellency, that an early report on the working of technical schools be laid before the House so that Honourable Members can be informed of how things go on and be in a

position to answer any complaints satisfactorily. I think there is no doubt that, in this country, we now want more technically trained men than ever before. Nigeria cannot be properly industrialized or be expected to yield more of its resources without a large number of trained men—skilled engineers and others—being available, and I think it is not too much to ask, having regard to the importance of the subject, that yearly reports on the working of technical schools be laid before this House.

The question of the arrest of the Honourable Member on my right has?

His Excellency :

I would suggest to the Honourable Member that that question is not strictly relative to the debate. I have allowed mention to be made of it once already but it is not strictly relative to the Debate.

The First Lagos Member (The Hon. H. S. A. Thomas) :

Your Excellency, on the question of Lagos Chiefs, people do not often include Lagos in the Colony, though Lagos is the Colony proper. Often when we refer to the Colony, some think more of the surrounding districts. It is, therefore, necessary to remember when thinking of the Colony not to exclude Lagos. Talking of Lagos Chiefs, very many people of this country would like to see their position improved and would like to see that some recognition is accorded them. There are one or two, I admit, who are intelligent, but generally they do not command much respect. This is a bold statement to make, but it is true and the people must be told the facts. Many people in the Colony do not place much confidence in them because they are always at loggerheads one with another. I think, Your Excellency, I might claim that when, about four years ago, Mr Hawkesworth, then Commissioner of the Colony, settled the quarrels between the Lagos Chiefs, I was one of those who suggested that Your Excellency might arrange a function to mark the occasion and Your Excellency did give a Garden Party then. But, what has been the position since? Every man to his own hearth! We want as Chiefs of Lagos intelligent men who know their duties and who realise that before there can be any recognition, co-operation is the first essential.

Your Excellency, I would refer to the question of the printing of the Legislative Council Debates. Up to now, we have only got up to 1941 published. I should not like to think that this is the measure of the value placed on our work by Government. I rather think that war work being so heavy, and, owing to the congestion in the Printing Office, Government has not been able to keep the publication of these Council debates up to date. But, Your Excellency, why not get some local printer to print them and so bring the arrears up to date. I felt much handicapped in this House at one time when I could not quote what the Director of Medical Services had said at a previous session. Also,

there are people in England interested in our debates who are sometimes misinformed of what had happened. I am, therefore, asking that if the Printing Office is too busy to do the work, it should be sent to some private printer and, once the arrears are pulled up, the Government Printing Office can carry on. I trust it will be possible to do something in that direction.

About Native Courts and the alleged objection to cases being transferred from them to the Magistrates' Courts. I feel that, so far as the Colony and its environs are concerned, what the people really want is the British Court of Justice instead of Native Court. They all know what they are going to get there and are more satisfied with the findings of a British Court. I doubt whether what are called Native Courts in the Colony districts are Native Courts in the true sense. They are hybrids and anybody who has had the genuine thing would not prefer a hybrid. The people of the Colony and districts had been used, for years, to British Courts and nothing had been administered here but British Law. I say, Sir, that the people of the Colony want British Courts which they have been having all these years. If they welcome Native Courts it is because of the money which it will bring to the Chiefs.

A question was addressed to the Honourable the Commissioner of the Colony as to whether certain Unofficial Members of this House and of the Lagos Town Council have attended the monthly meetings of the Commissioner of the Colony with Lagos Chiefs. That question was replied to in the affirmative. So far as the Lagos Unofficial Members of this Council are concerned, we have not attended any such meetings.

The Hon. the Attorney-General :

Your Excellency, may I ask if the Honourable Member is correct in anticipating a Bill before the House?

His Excellency :

I am always willing to allow members latitude, but I would point out it is not right for any member to anticipate any discussion on a Bill before the House which has not come up for its second reading.

The First Lagos Member (The Hon. H. S. A. Thomas) :

I beg Your Excellency's pardon. The next and last point I want to mention concerns the Accountant-General's Office. I understand it has been said that it has not been possible to get Africans to take responsibility or make important decisions in accounting matters. This may be so, but in what position do we place Africans who occupy higher posts? Europeans are allowed to see important papers which in many cases are not shown to an African holding identical position. He is therefore afraid of taking important decisions. Where Africans holding responsible positions are given every confidence by Heads of Departments they do very well. In the Marine Department, Mr Bismarck

Johnson, who holds the position of an Accountant has had every confidence placed in him and it has been proved that he has not abused that confidence.

I believe I raised this point with the late Sir Hugh Clifford when in 1923 I led a deputation of the Civil Service Union to Government House and I then showed that Africans in responsible position did not get the same confidence from senior departmental officers as did Europeans in identical posts.

Confidence begets confidence. This is a matter I should ask Your Excellency to see to. If greater confidence is placed in Africans in responsible positions they will prove that they can take important accounting decisions.

Your Excellency, I thank you for your patience in listening to me. I am sorry to have transgressed the Standing Orders in one or two cases, and all I plead in extenuation is an excessive zeal for the cause I have in hand.

His Excellency:

Does no other Member wish to address the Council?

The Member for the Rivers Division (The Hon S. B. Rhodes, C.B.E.):

Well Sir, no Honourable Member would like to begin his speech now and have to start again to-morrow morning.

His Excellency:

We have only got through three speeches to-day Mr Rhodes, which must surely be a record. I think we must continue.

The Member for the Rivers Division (The Hon S. B. Rhodes, C.B.E.):

As everybody seems to have cold feet Sir, I think I might as well start. I wish, Sir, to preface my speech by saying that I am going to approach the Debate from the common-sense viewpoint and not from a regulation point of view, to quote the Honourable Financial Secretary. I would like to welcome the Honourable Director of Medical Services to this House, and I hope he is listening. Quite a lot has been said about his Department, and I myself wish to say we expect great things of him because his reputation has preceded him to Nigeria. We feel that the African Medical Officers, qualified men, deserve attention. I have been approached by some of them and they do feel that the time has arrived when, if the Judicial Department can set an example by raising an African to the Bench as Judge, it is about time the Medical Department followed suit by appointing an African Medical Officer as Senior Medical Officer or something of that nature. And I must say that the men are not lacking in this department. If it is a question of qualification and practice they have both: as a matter of fact we have an African in this department who would have been a specialist in England to-day. Great things are expected of him and great things will be done by him.

I wish to endorse all that has been said by the Honourable Member for the Ibo Division this morning with regard to the appreciation expressed about our Prime Minister and the President of the United States. I wish to go a bit further; I also wish to voice the sentiment of the Honourable Unofficial Members in expressing our gratitude to the loyal boys of the Royal Air Force. When we read in the papers of the great and daring deeds that have been done by these boys, some of them not even twenty-one years old, you admire them and feel you owe a debt of gratitude to them for the sacrifices they are making, which we older men cannot make. I also wish to extend my appreciation and thanks to the Navy, not excluding the Merchant Navy. Not very long ago I travelled to Port Harcourt and saw there six steamers in the harbour. I was standing there with a friend of mine, and I made these remarks to him. When we were going to school in olden days, we were always asked to sing "Rule Britannia", but here is a demonstration that Britain truly rules the waves. When I realise these steamers take our mails and parcels, and bring us goods so that we can still go to the shops and buy, despite all that has been done by the Axis Powers, those words "Britannia rules the waves" carry a deeper meaning than the mere utterance of them. For that reason I feel that we owe a debt of gratitude to the Navy and the Merchant Navy.

Now, Sir, with regard to the retirement of the Chief Commissioner, Northern Provinces and the Chief Commissioner, Eastern Provinces, I have little to say about His Honour from the North except that in Nigeria we never like men transferred from other places just to come right at the top of our men here, and we look upon them as usurpers, that is with the exception of a Governor. But the Chief Commissioner of the Northern Provinces has endeared himself to us for the short time we have come into contact with him here; he has proved himself a man who has the interests of Nigeria at heart. His views with regard to the North may be different from mine, but still he has studied the question better than I have and he is in a better position to judge, because I am for the South. But he has served the country and is now retiring, and as said by earlier speakers we wish for him a long lease of life to enjoy his well-earned pension.

With regard to His Honour the Chief Commissioner, Eastern Provinces, I don't think there is any other person in this House, I might almost say in this country, who knows the Chief Commissioner of the Eastern Provinces better than I do. I knew him as Assistant District Officer. I have known him for about twenty-nine years, and I must say that to us in the Eastern Provinces his retirement is one which we were not anticipating so early. We thought that a man of such vast experience would have remained in the country a little longer, especially at a time when the question of post-war reconstruction would be discussed. Then, Your Excellency, you will have gone, the Chief Commissioner, Northern Provinces will have gone, though luckily for us he is

being replaced by an old Nigerian who knows all about the North, the Chief Commissioner, Eastern Provinces will be gone. But we cannot be selfish. If he has to go he has given twenty-nine years of his life to this country, and I think it is only right that he takes his holiday and retires to his home. The Chief Commissioner, Eastern Provinces is a man who has endeared himself to all of us. Somebody described him the other day as a fine English gentleman, a sympathetic but firm administrator, a father of the people and a friend. Well, it takes a lot for an Administrative Officer to combine all those qualities, but he seems to have done it. Another person described him as one who, even when he disagreed with you, he did it in such a manner that he never left you disappointed. I have felt that myself. I have gone to him and wanted him to agree with me. He did not agree with me, but when I left I was not disappointed, I was convinced he was right. And I may say that for all the time that I have had to send petitions, in connection with Native Court cases confirmed by District Officers, confirmed by Residents, the only man with the courage to say no is the Chief Commissioner for the Eastern Provinces. I have never yet had a Resident who has had the courage to say his District Officer is wrong but I can count, time and time again, when the Chief Commissioner has disagreed with his Resident and with his District Officer. Well, that type of man, Sir, is hard to find in these days, because the position as I see it, especially as a Member of Legislative Council, is that senior officials feel they must please their District Officer, even if that District Officer is wrong. But here we have a man who has the courage of his convictions. He has been long with us sitting in this House, and now he must go—he has a wife and family at home and everyone knows what that means in time of war. As I said before, he has given twenty-nine years of his life to Nigeria, and we wish him long life and prosperity.

Now, Sir, I do not know whether it is because Your Excellency said that our Revenue is up by a considerable amount, that it created the impression in the minds of several Members that they could begin to increase all salaries by hundreds and thousands, but I perhaps feel it is the only way that they can express their appreciation of the work done by these officers. As a matter of fact I do not know whether it does any good to the Honourable Official Members of this House as people might begin to wonder what is happening in this country. The less said about that the better.

There is a remark made by Your Excellency in your Address—“The production of palm oil and kernels was maintained at a high level but it was not a record and we must do better still this year”. Well, I happen to know, Sir, that we could have had more produce in this country if the restriction on petrol was relaxed a bit or if the restriction was extended more to men who have private cars for pleasure and released for lorry owners who bring their produce from the bush. The position is this. Many

years ago the average native man travelled with his oil and kernels several miles away to what is called the factory. After a time better roads were made and they began to travel by lorries, and Native Administration roads were made right into certain towns where the producer could join the lorry, say about ten miles, to come down the main road and to the factory. But to-day, with the petrol restriction, these lorries do not go as far. They are limited to certain areas and don't go right into Native Administration areas. As a result the people who at one time were used to walking about ten miles have got used to the lorry. When the lorry could not come they gave it up and turned to something else, so that if the question of petrol restrictions were released a bit to lorry owners it would solve the problem. I discussed this matter with certain commercial men and they pointed out to me certain areas where if you go there you will find the oil and kernels waiting for lorries to come, but at the same time if you go round Port Harcourt you will see Syrian agents and their wives in their cars using petrol for pleasure. This petrol should be saved and given to the lorry men.

His Excellency:

I am grateful to the Honourable Member for mention of that point, and I have already taken up the question as to whether production should not take precedence over economy in petrol.

The Member for the Rivers Division (The Hon S. B. Rhodes, C.B.E.):

There is one point I wish to refer to, Sir, in the Estimates, and that is the question of Office Assistant. It would appear there seems to be no principle laid down as to the salary to be paid to an Office Assistant. If you look at the present Estimate under discussion you will find under Head 18 Office Assistant is paid £300—£475, under Head 24 Office Assistant £310—£400, under Head 26 Office Assistant £240. Well, I think it is about time we know what we are doing. If we are going to have Office Assistants we must have a fixed salary for them. You have Chief Clerks on fixed salaries. Why should one Office Assistant get £240 and another get £310 and so on. I think that is a question that could be discussed in Finance Committee.

Another point I wish to draw attention to is the Accountant-General's Department. Quite recently certain Africans were appointed as local Treasury Assistants and have been stationed at different offices. I know there is one at Aba and he has control of sometimes nine or ten thousand pounds. He is a sort of Head of Department, but he is paid the salary of a Chief Clerk. I feel, Sir, that we should consider whether their maximum salary should not be raised to something higher. They are responsible for huge sums of money and are paid the same as a clerk who only handles files. I suggest and recommend, Sir, that consideration be given to them.

Another point which has come to my notice is the question of conflict of laws in the Protectorate, marriage laws under the

Ordinance and the dowry system. Two cases have been brought to my knowledge where the parties were married under the Ordinance, divorce proceedings instituted, the decree absolute granted, and the husband go to the Native Court and sue for return of his dowry and gets judgment in the Native Court. Well, I feel, Sir, that where dowry has been paid and the party subsequently married in church, and contracted a marriage under the Ordinance, that at once vitiates any question of dowry. You cannot have it both ways, a native marriage and marriage under the Ordinance. But this is happening to-day and it disturbs the Church a lot. This is a matter which I feel, Sir, the Attorney-General might give attention to, and perhaps if necessary legislate on it.

The next point I wish to bring before the House is the salary of conscripted clerks, and I am glad the Resident for Onitsha is present to hear this. Certain clerks were conscripted at Onitsha. They were given to understand that the difference in pay between the Army and the pay they were receiving before conscription would be made good by their departments. Government made that promise and I think Government have kept faith. But the mercantile clerks—one was getting £6 a month, was conscripted, and is now getting 2s 6d a day. He tried his best to get the difference but failed. In a letter which I saw he petitioned to the Chief Commissioner, Eastern Provinces, but that letter never reached the Chief Commissioner, because I have a reply here which says "It is no good your bothering him because the matter is decided; you are not to get it". Well, if Government did promise in the Gazette that all those conscripted will have the difference in pay made up I think, Sir, that something should be done, otherwise it means that here you have the Government clerks drawing their full salary and the mercantile clerks losing theirs.

There is one more question I wish to bring before this House, and that is the Manilla question. When we talk of manilla people often don't know what we mean. This thing I am holding is called manilla. Without this in the Rivers Division you may starve, you can buy nothing without it. This manilla has a history behind it. I have read several different versions; some say it was introduced by the Phoenicians, others that the Spaniards brought it, and so on. But the fact remains it is currency in some parts of Nigeria, and I understand there are about some £30,000 worth of manilla in the country to-day. Now, Sir, side by side with manilla we had brass rods and copper rods. The brass and copper rods were used in Calabar and the Cross River as currency; the manilla was used in the Rivers Division and in some parts of the Ibibio country as currency. Some years ago the Government felt it was time to stop this sort of currency in the country. They bought up all the brass and copper rods, and to-day the people of Calabar and the Cross River use nothing else but coin of the realm—shillings and pence. But the manilla still remains in this country, and the wicked part of the manilla is this, that it is controlled by certain people—a sort of Stock

Exchange—and at certain times of the year it rises and at other times it goes down. The original value of manilla was 1d, but to-day, since “Cola” has been granted to the people in the Eastern Provinces, it became seven to the shilling, so that a man who goes to buy with a shilling gets sevenpence. Then the District Officer, Opobo, tried to solve that question. He had an enquiry and the controllers of manilla said “Oh well you see, we don’t like pennies. If we could have halfpennies we prefer them. No sooner had this happened than the manilla dropped to 6d and some weeks ago I had to go to the assistance of a Judge who could get nothing because he had no manilla. Now I am suggesting that one of two things can be done. Either the Native Authority be empowered to regulate the exchange of manilla, to bring it to its original value of 1d, or that the whole lot be bought by Government and sent to England. They have a certain value in metals which are required by munition factories in England and we could do it this way. I was thinking how best to remove this manilla without affecting the revenue of the country, and it struck me that we could buy up all the manilla and send them to munition factories. That would not be touching the revenue of the country, and anyone wanting to give money to win the war would buy manilla and then we might be able to send something of value to England which would be used in manufacturing munitions to win this war, and at the same time not touching the revenue of Nigeria. If that suggestion is accepted I think it would be a very good one and nobody will be the loser.

The next point is the question of special constables. That, Sir, has been working hardship among men who volunteered for special constables. I know for certain that at Onitsha for instance these constables have to buy their own uniform, their raincoats and even the batteries for their torches. It was so bad that the township had to vote a little money to assist them. But I feel this is an expenditure for central Government. After all special constables are not paid, and if they are not paid why should they buy their own uniform, buy even their own batteries for their torches. The question of batteries has been mentioned here before, but it is a matter, Sir, which I think should be investigated.

Now, Sir, there is one burning question I would like to touch upon. I have touched on it before and I will touch upon it again and again. That is the question of salary paid to African magistrates and the one African appointed Assistant Judge. I observe from the Estimates that his salary is £900 a year. If it is the intention of Government really and truly to appoint a capable African to the post of Judge from the Bar who is the senior barrister, who is going to consider £900 a year? Now, when you take the Gold Coast estimates and the Gold Coast Staff List, in my hands now, the Gold Coast first of all created a precedent by appointing two Africans as Judges, and on page 30 of the Staff List of the Gold Coast Your Excellency will find two Africans,

Mr Justice Bannerman and Mr Justice McCarthy, Africans, and they are getting £1,600 a year, the same as Europeans. Why is it, when it comes to Nigeria, we must differentiate and say an African must draw £900 and a brother Judge who is a European draws £1,200. Your Excellency, you have been in this country the longest of any Governor. I would not like to say the things you have done which we appreciate, but this is one of the burning questions. Every African grumbles about it. We are asking that it is our right, if the Gold Coast feel an African appointed a Judge should get the same salary as a European appointed Judge, then a Judge appointed in Nigeria should be given the same salary as a European. We have asked for that, we have begged for it Sir, and Your Excellency, I am asking you respectfully not to allow us to demand it, because when a subject begins to demand then the Government summons to its assistance that veritable haven of refuge, disloyalty, and God forbid that Nigeria should be disloyal while you are here as Governor. Therefore I say that before you depart these shores, see that these little grievances are rectified. Taking the case of a Magistrate in Nigeria and the Gold Coast, in the Gold Coast Africans go up to £840, here £720. Why should it be so. Why does the Gold Coast pay more. When you look at the Estimates of both colonies, the Chief Justice of Nigeria and the Gold Coast draw the same pay, European Judges in both colonies draw the same pay. The difference at once is drawn as soon as it gets to the African. Why? I respectfully ask Your Excellency to see that these little grievances are rectified. The matter has only got to be laid properly to the Colonial Office. The Colonial Office are not the Laws of the Medes and Persians that they cannot be altered.

Now, Sir, the next point I wish to invite attention to is the frequent use of warrants for arrest in this country. There is such a thing as Criminal Summons. Remarks have been made which have been out of place, about what has happened to the Honourable Member for Calabar, but I want to make the same remark in place Sir. In Criminal law we have Criminal Summons, and this can be used for certain types of people, and a warrant of arrest for every person irrespective of rank. I was the counsel in that case, and when the case was closed the learned Judge, Mr Justice Brace, a man I take my hat off to for Criminal law, said "No case has been made out and you leave this Court with your character unblemished". Well, if such a pronouncement was made by Mr Justice Brace, it shows there was something very very faulty with the prosecution, and there was no reason why a warrant of arrest should have been issued. A Criminal summons should have been issued. Mr Efiang is well-known to us and he has suffered very much from this. The case was removed from Calabar to Aba. All the witnesses had to be moved, which involved a lot of expense, but Government never compensated them one penny. It is not fair Sir,

In view of what has been mentioned by the Honourable the First Lagos Member that this 20th Session of Legislative Council now attains its majority, and in view of the fact that we are losing two of our Chief Commissioners, also that Your Excellency this is your last Budget Sesion, may I suggest Sir that a good photograph be taken of all members of the House, at a convenient period before the Session closes.

Council adjourned at 4.43 p.m.

Debates in the Legislative Council of Nigeria

Thursday, 18th March, 1943

Pursuant to notice the Honourable the Members of the
Legislative Council met in the Council Chamber, Lagos,
at 10 a.m. on Thursday, the 18th of March, 1943.

PRESENT

OFFICIALS

- The Governor,
His Excellency Sir Bernard Bourdillon, G.C.M.G., K.B.E.
- The Chief Secretary to the Government,
The Honourable A. W. G. H. Grantham, C.M.G.
- The Chief Commissioner, Northern Provinces,
His Honour Sir Theodore Adams, Kt., C.M.G.
- The Chief Commissioner, Western Provinces,
His Honour G. C. Whiteley, C.M.G.
- The Chief Commissioner, Eastern Provinces,
His Honour G. G. Shute, C.M.G.
- The Attorney-General,
The Honourable H. C. F. Cox, K.C.
- The Acting Financial Secretary,
The Honourable C. Watts.
- The Director of Medical Services,
Dr the Honourable J. W. P. Harkness, C.M.G., O.B.E.
- The Acting Director of Education,
The Honourable C. R. Butler, O.B.E.
- The Director of Marine,
Commander the Honourable A. V. P. Ivey, C.B.E., R.D.,
R.N.R.
- The Comptroller of Customs and Excise,
The Honourable A. E. V. Barton, C.B.E.
- The Deputy Chief Secretary,
The Honourable T. Hoskyns-Abrahall, C.M.G.
- The Senior Resident, Oyo Province,
The Honourable H. F. M. White, C.M.G.
- The Resident, Onitsha Province,
The Honourable D. P. J. O'Connor, M.C.
- The General Manager, Nigerian Railway,
The Honourable C. E. Rooke.
- The Director of Public Works,
The Honourable S. J. W. Gooch.
- The Director of Agriculture,
Captain the Honourable J. R. Mackie, C.M.G.
- The Honourable W. C. C. King,
Commissioner of Police (Extraordinary Member).

- The Honourable G. L. Howe,
Solicitor-General (Extraordinary Member).
The Honourable E. C. Crewe,
Postmaster-General (Extraordinary Member).
The Honourable E. A. Miller,
Commissioner of Labour (Extraordinary Member).
The Honourable G. B. Williams, M.C.
Commissioner of the Colony (Extraordinary Member).

ABSENT

- The Senior Resident, Plateau Province,
The Honourable E. S. Pembleton, C.M.G.
The Senior Resident, Kano Province,
The Honourable J. R. Patterson, C.M.G.
The Senior Resident, Sokoto Province,
Comdr. the Honourable J. H. Carrow, D.S.C., R.N.
(rtd.)
The Resident, Benue Province,
The Honourable D. M. H. Beck, M.C.
The Resident, Katsina Province,
The Honourable R. L. Payne.
The Resident, Zaria Province,
The Honourable F. M. Noad.
The Resident, Calabar Province,
Major the Honourable H. P. James.
The Resident, Ondo Province,
Major the Honourable J. Wann.

UNOFFICIAL MEMBERS

- The Member for the Ibo Division,
The Honourable B. O.-E. Amobi.
The Member for the Rivers Division,
The Honourable S. B. Rhodes, C.B.E.
The Member for Calabar,
The Rev. and Honourable O. Efiang.
The Member for the Ibibio Division,
The Honourable N. Essien.
The Member for the Ijebu Division,
Dr the Honourable N. T. Olusoga.
The First Lagos Member,
The Honourable H. S. A. Thomas.
The Mining Member,
Lt.-Colonel the Honourable H. H. W. Boyes, M.C.
The Commercial Member for Kano,
The Honourable W. T. G. Gates.
The Second Lagos Member,
The Honourable Jibril Martin.
The Commercial Member for Lagos,
The Honourable J. F. Winter.
The Third Lagos Member,
The Honourable Ernest Ikoli.
The Member for Shipping,
The Honourable G. H. Avezathe.
The Member for the Colony Division,
The Rev. and Honourable T. A. J. Ogunbiyi.
The Member for the Egba Division,
The Honourable Olaseni Moore.

The Member for the Cameroons Division,
The Honourable J. Manga Williams.
The Commercial Member for Calabar,
The Honourable W. V. Wootton.
The Member for the Ondo Division,
The Rev. and Honourable Cannon L. A. Lennon, M.B.E.
The Commercial Member for Port Harcourt (Provisional),
The Honourable John Crawford.
The Banking Member (Provisional),
The Honourable K. M. Oliver, M.C.

ABSENT

The Member for the Warri Division—(Vacant).
The Member for the Oyo Division—(Vacant).

PRAYERS

His Excellency the Governor opened the proceedings of the Council with prayers.

CONFIRMATION OF MINUTES

The Minutes of the meeting held on the 17th of March, 1943, having been printed and circulated to the Honourable Members were taken as read and confirmed.

QUESTIONS.

NOTE.—Replies to Questions No. 27 by the Honourable the Member for the Rivers Division, Nos. 43 and 44 by the Honourable the Member for the Ijebu Division, Nos. 49 and 50 by the Honourable the First Lagos Member, No. 53 by the Honourable the Member for the Ibo Division, No. 55 by the Honourable the Member for the Calabar Division, Nos. 75-79 and 81 by the Honourable the Third Lagos Member, Nos. 82-88 by the Honourable the Member for the Ijebu Division, and Nos. 89 and 91 by the Honourable the Third Lagos Member are not yet ready.

The Member for the Rivers Division (The Hon. S. B. Rhodes, C.B.E.):

22. Inviting Government's attention to page 42 of the Classified Staff List June 1942, will Government please take steps to remove the words "(Locally Recruited)" after the words "Medical Officers" as such words do not appear in the Judicial Department?

Answer—

The Hon. the Chief Secretary to the Government:

The question raised by the Honourable Member involves issues outside the Medical Department which are at present under consideration and it is not possible to give a categorical answer until those issues are decided.

The Member for the Ibo Division (The Hon. B. O.-E. Amobi):

52. To ask the Honourable the Chief Secretary to the Government:—

(a) Whether it is a fact that in Onitsha Government has leased certain land from Onitsha Chiefs in a lease known as B. 1, and is it also a fact that Government also holds lease for land in the African Hospital area outside B. 1?

(b) Is it a fact that Native owners of land in the African Hospital and Police Barracks site have asked for compensation?

(c) Is it a fact that negotiations have been in progress for nearly four years, that Government is still in possession, and that no heed has been paid to the claims?

(d) If the replies to (a), (b) and (c) are in the affirmative, how long is Government going to continue holding these lands without properly compensating the owners?

Answer—

The Hon. the Chief Secretary to the Government:

(a) The answer to the first part of the question is in the affirmative. The answer to the second part of the question is in the negative.

(b) A claim for compensation has been received in respect of a very large area which includes not only the site of the African Hospital but other large areas which lie within the lease referred to.

(c) Negotiations have been in progress for nearly four years and Government is still in possession pending a final decision.

(d) It is hoped that a settlement will soon be reached.

The Member for the Ibo Division (The Hon. B. O.-E. Amobi):

73. To ask the Honourable the Director of Medical Services:—

(a) What are the duties of Sleeping Sickness Dispensary Attendants?

(b) What is their rate of pay?

(c) Are they entitled to travelling allowances?

(d) What is the maximum weight of loads allowed each Attendant when travelling by train or lorry?

(e) Are they eligible for leave with pay?

(f) Are they pensionable? If so, how many years' service would an Attendant be required to serve before he becomes eligible for a pension or gratuity?

Answer—

The Hon. the Director of Medical Services:

(a) The treatment of those suffering from Sleeping Sickness, ulcers and the common diseases.

(b) Their rates of pay are £18-3-36 and £39-3-66.

(c) Yes, Sir.

(d) Those in receipt of £48 *per annum* and upwards are allowed 4 loads (*i.e.* 2 cwt) when proceeding on transfer; 2 loads (*i.e.* 1 cwt) on duty or on leave.

Those in receipt of salaries less than £48 *per annum* are allowed 2 loads (*i.e.* 1 cwt) when proceeding on transfer or leave and 1 load (*i.e.* $\frac{1}{2}$ cwt) on duty.

(e) Yes, Sir.

(f) No, Sir.

BILLS

(Second Readings.)

THE 1943-44 APPROPRIATION ORDINANCE, 1943.

The Member for the Ijebu Division (Dr. the Hon. N. T. Olusoga):

Your Excellency, about three years ago in this House I raised the question of stipends to the Chiefs. At that time I was referring to the Chiefs in my Province. We have so many of them whom I feel are underpaid. Recently the Administration Clerks had their salaries increased owing to the report of the Dods Committee, and this increase of salary to the Native Adminis-

tration clerks has caused discontent among the Chiefs. Although they are looked upon as employers, they have less than their employees. They give orders, but these orders cannot be carried out by a man receiving a higher salary. I welcome the increase of salaries for the clerks, but I would welcome increased stipends for the Chiefs. This condition has caused a writer in one of the English papers to write an article entitled "Men greater than their masters" in November last I feel that this writer of the article was looking at the matter from the same angle as we here look at it. Your Excellency, I would be very pleased and grateful if you would consider this matter. When I mentioned the matter here three years ago I was asked to go back to my Province. The matter was taken to a meeting there, at which the Chiefs were present but with no result. The only result has been that we "must not mention the matter any more". Some Chiefs were receiving a pittance of only £2 a month for the work they did, for the collection of taxes amounting to about £400. For this they only get £24 per annum, and so I am asking Sir that the matter should be looked into again.

Another matter that has been agitating my Province is the question of the Ishara chieftaincy. I put myself out about this matter, and I am very sorry to say some of my questions were turned down. I was told that I had infringed regulations and things of that sort. I put my questions in order to elicit certain facts, because there has been so much agitation about this. We have had it for the past eighteen months. Your Excellency, I would refer here to the Conference of Chiefs of the Western Provinces, and to a motion moved by the Oba of Benin under the general principles governing the selection of successors to important titles, as follows:—

(1) If the king makers cannot agree the majority should decide.

Your Excellency, if the king makers do not agree, if they are really democratic they should settle this in a democratic way. Let the people take votes and make a decision. Here we have examples in this area about three years ago where a decision was arrived at by taking votes. I am asking Your Excellency to do what you can to expedite a decision on this matter. Further on in that motion His Honour the Chief Commissioner Western Provinces says "I am very glad to have your resolution on this subject and to receive your answers to my questions. The discussion on this subject was very interesting and lively and the answers to my questions will be very useful indeed in dealing with the problems of succession and the attendant disputes which we have had in quite large numbers in the past and which I am afraid will continue to arise from time to time. As a matter of fact, one such dispute has been going on for several months. The answers to some of the points raised in your discussion will help materially in arriving at a decision in this case." Well, Your Excellency, I feel that he was referring to this very question I am dealing with, and

since that resolution was passed by the Chiefs nothing has been done. I am asking that a decision be arrived at not distant but proximate.

Your Excellency, I would refer to another matter causing agitation, and that is the question of sole Native Authority.

Although we have a Bill concerning that matter I feel that I should say something here.

His Excellency :

I would remind the Honourable Member he must not anticipate the debate on this question.

The Member for the Ijebu Division (Dr. the Hon. N. T. Olusoga) :

I am sorry Sir. I would like to know if I may be permitted to make any remarks on the second reading.

His Excellency :

Yes.

The Member for the Ijebu Division (Dr. the Hon. N. T. Olusoga) :

Another question I wish to refer to is the Lagos-Ijebu road. The answer could be much better, but I am grateful that Government have now looked into the matter, and I hope Your Excellency that the road will soon be established because it will link up Ijebuland as a whole to the Colony and the result will be not only that we have prosperity in the Province concerned but people will be able to go from Lagos to our country by the shortest possible way.

Your Excellency made reference to rubber production. Last year, Your Excellency, I said here that people who are interested in tapping rubber should be given facilities by allowing them to enter into any forests and by not asking them to pay any fee, and by doing that Your Excellency would doubtless see a good result; and I am asking that the condition existing last year should continue if we still want rubber, as indicated in your address.

Another matter, Your Excellency, is regarding Native Administration Police. They show up very badly when we have them working side by side with the Nigeria Police owing to lack of experience, and as they are not both on the same level of efficiency then the superior looks down on the lesser official. That is happening now in Native Administration Police. I observed recently that some have been sent away for training but what we ask is that they should be given the same education and training as the Nigeria Police, and by doing so bring them to the same level.

Your Excellency, some of my colleagues urged the Medical Department to recognise more of our native medicines; but I fear that their remarks on the subject were due to ignorance of the particular science concerned, and I hope the Director of Medical Services will give them a suitable reply, because it is not good to take anything until we know what the active principles are and before they have been properly tested and assayed. Your Excellency, one Honourable Member mentioned the "owo" leaf

which is reputed to have the same effect as quinine in dispelling fever. They may be so, Your Excellency, but this leaf also contains many more other things. We should like the whole matter to be looked into by some scientific experts.

The Member for the Ondo Division (The Revd. & Hon. Canon L. A. Lenon, M.B.E.):

Your Excellency, on this my first occasion in this House I wish to say a big thank you, Sir, and to all concerned for what has been done up to the present time towards me. We have a saying in Yoruba, the translation of which is "The man who gives thanks to-day will get again to-morrow". Well, not so much for myself Sir, but I wish to say thanks to all concerned for what has been done up to the present time. I bring greetings from the Ondo Province and, if I may be allowed, Sir, also from the Kabba Province, because my work falls within the two provinces but specially the Province which I have been called to represent.

I am very sorry that our Resident is not able to be here. You know all about it, Sir, and we hope he will soon be well enough to be about.

Now I wish at this stage, Sir, just to give a brief sketch of myself and my life hitherto for the benefit of this House. To many people I am looked upon as a stranger. I wish to say that I am no stranger in the sense of the word. I may be a stranger in some respects, but I am not a foreigner in Nigeria. Fortunately, Sir, or unfortunately, we know our history very well. Our people were carried away by the tide of slavery, and to-day some of us have been privileged to come back to our fatherland better able to help our people, and I speak not only for myself, Sir, but for every West Indian concern here who may not be well-known to our people here or much understood by our people. But when a West Indian comes out here he comes to work, he comes back to his own people, and I think we can say we have been working and will work as long as we are privileged to be in this country. I may say that I have come of age in this country, Sir, more than of age too. Both my wife and myself have come of age. My wife has been here twenty-three years and I am now in my 29th year, and that will show I know something about my people. I have been in the Ondo Province for twenty-three years, and I have the privilege of working in that Province, and am very pleased and thankful to the people who have called me to represent them here. Everyone knows I think that we C.M.S. Missionaries are doing pioneer work in those parts, very interesting work indeed, and we thank God for what has been done, and anyone who wants to know more about it, come and see. I give this brief sketch Sir, as some of us may not be quite clear about the situation. I have heard that it has been said that a stranger has come to represent Ondo Province. I repeat I am no stranger in the Ondo Province. I am amongst my own people, and anywhere a West Indian comes in Africa he sets foot

on his fatherland, whether he be an Ibo, Yoruba, Ibibio, Kabba or any other people, and we do not look on ourselves as strangers in Africa.

I am not here, Sir, to say very much. I know I am long naturally, but I do not intend to be long in speech. I wish to say how much I agree with what the Honourable Member for the Colony Division said yesterday with regard to our Chiefs and what the Honourable Member for Ijebu said this morning. This is a very serious matter, Sir, and is causing very much consternation and, if we are not careful, agitation in the interior. I know in the Ondo Province that our Chiefs feel that they are not properly paid, are not properly respected in many respects. A Chief is a Chief, a King is a King, whether he be in Africa or anywhere else, and the people look upon their kings and chiefs with much respect, and long may that respect last, or we are heading for chaos, Sir. That respect in many cases is deteriorating; perhaps education is responsible for it, or other things, but what we want is to keep up the prestige of our Kings and Chiefs, and as the Honourable Member for Ijebu said this morning, Sir, I feel that if a Chief is not properly paid he is looked down upon. I am very much in the line of education, Sir, we train boys, we send them out after Standard VI to be pupil teachers, every boy in the district goes out after passing Standard VI at fifteen shillings a month. I hope I am not going too far, Sir, but he may go to some village where a Chief is not paid that much. I won't say how much, and that boy is inclined to look down upon his Chief. They are being looked down upon and these people gradually are losing their prestige. I know that and it is a very sad thing, and if anything can be done, Your Excellency, I should be very pleased because I know that exists in the Ondo Province and we want that to be got rid of.

The same too, Sir, with regard to the Police. It seems the Honourable Member for Ijebu has taken away nearly all I wanted to say, but they say wise minds think alike, and I hope ours are not otherwise, Sir, and the Police Force, whether Nigerian Police or Native Administration Police, should be given consideration. Our young men to-day are anxious to serve their country, and many of our young people from school go out to join the Nigerian Police and they go out to join the Native Administration Police. The Nigerian policeman comes into a town, and people begin to say, well he is a Nigerian policeman. I think both should have the same status or the same training, Sir. Another thing before I close on that, Sir. I think we are very much concerned about bribery and corruption. Until our Chiefs and Police and the people who are in responsible positions are properly paid I don't see how we can stem bribery and corruption in this country. Education may do a lot, but if a man is not properly paid he must find some way of existing. Not that I am supporting bribery and corruption, Your Excellency.

I wish too, Sir, to refer to the agricultural side in the Ondo Province. That I feel has been very much neglected. We have not an agricultural officer for the Ondo Province; we have a joint agricultural officer for Benin and Ondo and one man can hardly do the work of two such important provinces. I feel, Sir, that in this time of scarcity of man-power; many or some of our promising youths who are interested in agriculture should be trained and able to help their people in agriculture. That can be done, Sir, and we hope some consideration will be given to it.

Then I should like to say something about the educational work. We in the Ondo Province are very much grieved about the closing of the office at Akure and combining it with Benin. We in Ondo, Sir, don't think much of Benin, not that we have anything against it, but we think more down this side than going to the other side, and to-day there are schools that have not seen an Education Officer for years. I am speaking from fact; in the Akoko country our schools there have not seen an education officer for a year. There is only one education officer for Ondo and Benin and it is impossible for that gentleman to get about. He is more in the office than outside. When he gets into his office he must be tied down; we are sorry for our education officers because of the hard work one man is doing in that direction. I would suggest, Sir, that at this stage in this country, when we have experienced teachers, men who can do the work and who are doing the work if they are allowed—we have one travelling teacher and I think that man is as capable as an education officer—I feel that many of our men, such experienced men, should be given bigger positions and be given a change to help their own people, and their people would understand them even more than some education officers. I wish that this may be given some consideration, Sir, and I hope that the office at Akure will again be opened. I may say, Sir, that for two years we have not had a provincial school committee in the Ondo Province. Well that means a lot, Sir, and I do hope some consideration will be given to that.

With regard to hospitals, the need is enormous. The only Native Administration hospital is at Akure, and that is very far from some parts of the Province. The need is enormous. People are sometimes afraid, I know the people in the Akoko country are very much afraid, of going to hospital. At the mention of a hospital they run to bush, and I am asking that as soon as possible, Sir, some consideration be given to Akoko and other backward parts of the Ondo Province for a really good hospital, so that the people can get better attention medically.

Posts and Telegraphs. I need not say much, Sir. Our Chief Commissioner has been pestered, if I may say so, every time he comes to the Akoko country. There is no telegraph line there whatever, and those parts are very flourishing, the prospects are very promising, and I think something should be done as early as possible, Sir.

The last thing I want to mention is the ten-year plan. We are all interested in that, and I know the Education Department is leaving no stone unturned about it. We hope it will come about quickly, and I do hope it won't be a ten-year talk. We want a ten-year plan, to get along quickly and have something done, even in war time if it is possible. I believe in wartime the difficult time is the best time to do something tangible. The war has come to be a good excuse—after the war is the usual saying. But after the war there will be much to be done, and I feel that that ten-year plan we are anxiously looking forward to, Sir, and if any thing can be done in the meantime I hope it will be done. Our people are beginning to think it is all talk. That is why I say I hope it won't be a ten-year talk instead of ten-year plan in active working.

Well, I said the last, but Your Excellency I will say one thing more, and that is our District Officers and Chiefs who know our people, know their need and are doing very much indeed, that they be allowed, Sir, to use more of the people's money in spending it in ways which are approved by those in higher authority, that they be given a freer hand. I say this knowingly and meaningfully because I know much more can be done if these people are given a freer hand.

I don't think I have any more to say, Sir, except to thank you and all in this House for what has been done to me on Monday. I thank you very much, Sir.

The Third Lagos Member (The Hon. Ernest Ikoli):

Before proceeding to any general remarks, I would like to make a few observations on Your Excellency's speech. I must say, Sir, that I was somewhat disappointed after reading the speech and after hearing Your Excellency, because we have been expecting important reforms from Your Excellency especially as this happens to be your last tour in this country. On your return from leave last year Your Excellency found the country in what you have described as a "state of hysteria". You broadcast to the people of Lagos immediately after your return and you expressed how much you deplored the spirit that was prevailing at the time and you appealed to everybody, Europeans as well as Africans, to cultivate that spirit which you said you witnessed with such great appreciation in England—that was that everybody was united together, working for each other and working for the common good. From the figures which Your Excellency quoted in your speech respecting the country's war effort, I believe, Sir, that the few months since you returned to Nigeria have made a tremendous difference. I think the spirit which you described as "hysteria" has disappeared and we have all done our best to get together and work for the common good and without this those figures quoted could never have been achieved. In the broadcast to which I have referred, Sir, Your Excellency said, amongst other things:—"This country is unquestionably on the threshold

of an era of political development, but the pace of its political progress will depend more on the conduct of the people of the country itself at this time than upon anything else. I wish most earnestly to appeal to those who aspire to a greater share in the responsibility for directing the affairs of this country to show courage and a sense of responsibility in their handling of any difficult question with which they may be confronted. For the measure of responsibility which will be entrusted to them in the future, and the pace of the political progress of Nigeria, will depend, to an extent to which I fear they are hardly aware, on the evidence which they now give of their capacity to undertake real responsibility by sticking to the course which they know to be the right one, even though they may incur popular disapproval by so doing."

Well, in your utterance, Your Excellency, you gave rise to the hope that we were on the eve of great political reforms. I was hoping for instance to see a reform of this House so that not only a small fraction of the Africans in this country are represented here but that a large majority—possibly the whole of the country—will be. I was also hoping that Your Excellency was going to introduce measures which will give some responsibility to representatives of the people in this House. I say we have been disappointed but of course Your Excellency still has some time left and we are hoping that before you leave you may be able to give us some form of constitutional reform to which you alluded on July 17th of last year. I am quite prepared to be told that you have in fact done something. You have appointed two of our distinguished Africans to seats on the Executive Council. Now I am afraid, Sir, we cannot quite understand what is the position of these Unofficials on the Executive Council. As a matter of fact we think their position difficult to understand. We look upon Members of the Executive Council as those who actually direct the Government. What is the position of these Unofficial Members we do not know. So far as we are concerned we regard the thing is nothing more than official window dressing. I think we are justified in this assumption because Your Excellency yourself said, "The appointment of Unofficial Members to my Executive Council represents a political step of considerably greater importance than has been generally realised, for it means that Unofficials, both European and African, will in future have a say in the initial shaping of Government policy." This is the point I wish to make, Sir. "At the moment, when large schemes for development are mostly held up by the war, the Executive Council has a good deal less work than in normal times, but when we get back to normal I am confident that the beneficial effects of this change will not be long in making themselves apparent." Well, Sir, that is why we describe the present arrangement as purely a question of official window-dressing. And we are justified in thinking this—as one of the men appointed lives about 1,000 miles away from Lagos and therefore can never have an

Director of Medical Services to enlist the services of the Information Office and carry out a really big campaign throughout this country.

His Excellency :

I do not want to interrupt the Honourable Member too much but he will have an excellent opportunity of saying all these useful things when we come to that Bill.

The Third Lagos Member (The Hon. Ernest Ikoli) :

I notice, Sir, that the Education Department have made provision for more Assistant Directors of Education and more Chief Inspectors. Well, I think that in a department like the Education Department we want appointments further down the scale and not all at the top. We can have too many Chief Inspectors, too many deputy Chief Inspectors. What we want are field men, workers who go to the schools and help teachers with their work. I prefer to see a gradual increase in the number of such men instead of creating new appointments at the top. More and more suitable Africans should be used and appointed as education officers. We cannot have too many of them. We appreciate the excellent work which European officers are doing but we would like to see a larger number of African officers. We ought to have a larger proportion of African officers working side by side with European officers. I am afraid that we are not at all satisfied with the spirit of reluctance shown in this department to the advancement of Africans to responsible positions. I think if there is any department in which more use should be made of the African personnel it is the Education Department. They should be setting an example to other departments in this respect.

At the back of the memorandum which has been prepared by the Financial Secretary there is a whole list of new posts and among them we find a good number on the Supply Board Staff. Of course, I quite understand that most of these men are seconded from the Administrative Department. Well, one thing I must say—our administrative officers seem to be trained for everything. I quite appreciate the versatility of administrative officers but I cannot quite understand the necessity for these appointments. I think the Supply Board should be part of the Secretariat. When we go into committee of this House I shall have a few burning questions to ask. We are not satisfied even with the existing constitution of the Supply Board and I should like to make the statement that whereas in other Colonies, for example Sierra Leone, there is an African representative on the Board to protect the interests of the African businessmen there are none in this country. The small African trader is suffering. He cannot come to Government to ask for C.O.L.A. He is a hardworking man and I must say that he is a very useful member of the community. I think we should encourage the African trader. If an African, or one or more Africans, are represented on the Supply Board in order to protect the interests of the African traders, it would help them

very much. We see signs of prosperity in the country but we do not know whether that prosperity is enjoyed by everyone. The small African trader has passed through a most difficult time. He feels he is being strangled and only this morning a deputation of African traders in Lagos came to see me and they pointed out that a Regulation which was recently published—No. 2 of 1943—is going to be a tremendous hardship on them as a body. I am hoping, Sir, that Your Excellency will take particular note of this matter. The small African trader is an important factor in the trade of the country. He is dependent entirely on his own enterprise and I think that he is entitled to your protection. On this point, Your Excellency, I would like to make this suggestion that, where it is necessary to make rules affecting the interests of important sections of the community, Sir, that Your Excellency would not use the Defence Regulations as a means of legislation. In the case of regulations of the nature referred to it would be more agreeable if they were brought before this Council for its consideration. No harm could have been done if they were passed through the medium of this House. I am of opinion that unless in cases which public security was seriously threatened, and delay in action would be prejudicial to the community, the Defence Regulations should not be applied.

As I said, Sir, our financial position this year has been very satisfactory. I am very pleased indeed that we are trying to put back into the reserves money which should have been there and I would repeat again, Sir, that so far as is possible we should depend on our own resources for any development schemes which we wish to carry out.

I do not wish, Sir, to make any comment on the Railway because I think it is one of those departments which show very good results and running on the soundest lines. The schemes which I understand the General Manager is preparing for the training of Africans to take up higher appointments should be pushed on. We cannot hold up these schemes indefinitely. I hope the General Manager will frame them as quickly as possible.

Referring to the Agricultural Department, I have heard comments dealing with that department in Your Excellency's Address, and I am a little disappointed to know that up to now we have only had a report and nothing more on the subject of fishery. I think we want a little more than a report. We have spent quite a lot of money and we have been hoping for more practical results. These things should be looked upon from a more practical standpoint. I do not like Government reports. Immediately we hear about reports we know that nothing much has happened. It is one thing thing to write glowing reports but it is quite another to get things done. I am hoping, Sir, that we shall not merely have a report but actually get something done.

Now with regard to the Printing Department vote, I notice that there is a new appointment, that of a Press Engineer at £600. Of

The reply was:—

£1,997,679 was collected from natives, including native foreigners.

Direct tax collected from Companies was £21,777.

The rates of income tax on higher incomes have been considerably increased since the date of these collections and further increases are under consideration.

That was the first part of the question I asked in that year, and I put another question the same year, asking the Honourable Chief Secretary whether Government would be pleased to consider:—

(a) granting franchise in those areas which are now represented in Legislative Council by nominated members.

The reply was:—“ No, Sir, the Government is not satisfied that the time is ripe for a change of this kind.”

(b) granting representation by nominated members in areas which hitherto have been unrepresented by Africans.

The reply was—“ The constitution of the Legislative Council is governed by the Nigeria Legislative Council Order in Council 1922, article IV of which provides that the number of nominated Unofficial Members shall not exceed fifteen. An amendment of the Order in Council to permit the appointment of additional nominated Unofficial Members is under consideration.” Your Excellency, I think the very fact that such a step to form that committee for the Northern people has been a vanguard post to prove that the Northern people are ripe to be represented in this House, and the sum of money which has been collected in Nigeria proves that the time is now ripe when the number of representatives on this side of the House, the Unofficial side, should exceed the number of representatives on the other side of the House, because the majority now appears on the other side and the majority carries the vote there is no reason why we should not exceed the number of official members on the other side. Your Excellency, that sounds impossible, because the circumstances surrounding us do not suffer us to have more representation on this side. We admit that the time is not yet come, but the time has come, Sir, when we on this side should be of equal number with the other side. I say, Your Excellency, with due deference that this is the time when the representatives in this House should be raised up to equalize the number of representatives on the other side, because taxation means representation. So much has been paid by us and the money we have paid exceeds the amount of tax paid by the other side. Our number should therefore be raised.

Another observation, Sir, is that we have got new officials amongst us. I join my friends who spoke and welcome them to these shores. As the Honourable Member for the Ondo Division observed that he is not a stranger here I take none in Nigeria to be a stranger. I maintain, Sir, that no human being can be

a stranger on this whole earth because the earth is created for men. Have we not all one Father, is there not one God who has created us? How then can we discriminate, create differences between one man and another? So I say to our new officials, welcome to these shores, and I give them, as representing my people, I give them our confidence that so long as they remain in Nigeria to discharge their duties honestly and faithfully we will respond and support them as much as it lies in our power.

The next thing mentioned, Your Excellency, was the leaving of our Honourable friends the Chief Commissioners of the Northern and Eastern Provinces. Well, I say to the Chief Commissioner, Northern Provinces, "inasmuch as you have been faithful to set an example, to show to the Southern Provinces of Nigeria that our brothers have been prepared by you that they should come down and meet us in Parliament, you have done your duty. When you go home we assure you we shall ever honour, and respect your memory. Our spirits will be with you wherever you go. We do know that inasmuch as you have been faithful here you will be faithful at home, and hope that even if you may retire here, as you have already proved indispensable in the service of His Majesty the King, you will be called on to go to another colony to administer in the capacity of His Excellency the Governor".

I turn now, Sir, to His Honour the Chief Commissioner of the Eastern Provinces. Well, Sir, I say if the Eastern Provinces have ever suffered deprivation, if they have ever suffered disappointment, if they have ever missed a father, a friend, a brother, a real sympathetic Britisher in the true sense of that word it is the missing, the parting to come with His Honour the Chief Commissioner Eastern Provinces. Your Excellency, we do not believe in flattery. We do feel that we should not miss him. Physically he is young, administratively and politically he is young. Though he is so young, yet his youth, the freshness of his mind and spirit have contributed to make him indispensable in the service, but we cannot help it, he has to go. And of all places in the wide world home is the best. I remember, Sir, when he was Resident at Calabar, the Native Administration there was in a very doubtful position. Everything was mixed up, so much so that official opinion in Calabar was that a Native Administration system would not work at Calabar because those at the head of affairs, the natives had introduced aristocratic government into Native Administration. Then His Honour became Resident, he relieved Mr Findlay who was Resident before him, and His Honour could recollect the experiences he had when your humble speaker, Your Excellency, championed the cause of the Calabar peoples rights and begged that the yoke of aristocracy be thrown away and the soft yoke, the sweet humble yoke of democracy be introduced. But for the fact that His Honour was a man of patience, a man of vision, of sympathetic nature, he would not have had the patience to be reading and judging and deciding

justly the condition of things then. So much was the trouble that those who thought that what they did was not quite right suspected they would be defeated at once. They suggested that somebody should be deported. But His Honour turned them round and told them, that is a man you need. But for the fact His Honour was such a personality he would have decided to deal hardly with that man. We all wish him success. We all wish him to go home and live long and enjoy the fruits of his faithful service. We cannot do better than to say, may the Gods of peace of our fatherland follow you and your family, and rest with you. One message has Nigeria got to give to the two indispensable servants to take home. We beg of you, Sirs, that when you go convey our greetings and loyalty through the Secretary of State to His Majesty the King that our loyalty can be proved. We have sent our sons to the battlefield to fight and defeat Hitler, for defeat him we must. Our sons are laying down their lives, together with the sons of Britain. We are proud of that. If not equally in any other capacity we have rubbed shoulders in laying down our lives on the same battlefield. As such we say that a country that is worth dying for is worth living for. Inasmuch as we have been able to attain the height of equality on the battlefield, however low we be we are also qualified to enjoy privileges that are common among the two races, in offices and in other capacities. In my opinion, Sir, I have summarised all that my colleagues have suggested that equal rights should be observed in the appointment of Africans. We are equal, especially when we are educationally qualified to hold an office. Your Excellency it is said "It is infinitely better that social change should be guided by trained and informed delegates rather than by untutored emotion or uninformed politics" "intelligent leadership requires intelligent followers". As our white friends are intelligent leaders, we also suggest, Sir, that our white friends should have taken steps to lead us on our side especially, not, Your Excellency, because we are not satisfied with what you have done, but we want to be much more satisfied, because you have had the longest regime as Governor and we believe, as the Honourable Second Lagos Member has said, that inasmuch as Your Excellency has got the longest regime here we expect that whatever might have been your misgivings your interest during these months will enable Your Excellency to give us more benefits.

If we are to keep up with the rapidly changing world we must know this world and study its problems in the light of former experiences. Your Excellency is one of the experts and the Heads of Departments are other experts and so we decide we should be allowed to lead the life as leaders themselves are living. These leaders, these administrators, are frequently modest. We must discover for ourselves other leaders, other administrators, to follow the principles we have found to be the best.

Your Excellency, if in giving us praise as we are being honoured and being appointed to good positions we are too ambitious, we are only human beings—we are liable to try to walk—we are just infants yet trying to walk. Your Excellency knows the responsibilities that you are entrusted with. We are hoping that you will see the way to encourage us so that we may be cheered as we run, we should be consoled when we fall, we should be applauded when we rise.

Next I come to Your Excellency's speech. I take it that this Address takes the position of reminiscences of Your Excellency's administration in Nigeria because it is so comprehensive. Your Excellency has taken great pains to recount all the trades in Nigeria and your words of encouragement are very, very gratifying. But there is one thing I like to point out, Sir, and that is that it is now time that our Government should give grants to farmers. The case should be dealt with as it is in the case of private schools. It is true that if Your Excellency gives a promise, for your word is your honour, your word is your bond, as Your Excellency did in the case of private schools, our farmers would soon rally round and organise themselves and then will be able to qualify for credit to help them. It was a mistake that the system of taxation which had been brought in was so hard on the farmers. The shortage of machinery and labour is a very, very serious problem.

We are very much pleased and thankful to the authority which has succeeded in calling us back to the land but how can we go back to the land without instruments? This will not mean development. You are here to protect us, you are here to protect our interests, so that I suggest, Sir, that Your Excellency may make a promise or a suggestion that the Government would consider that some grants be paid to native farmers so as to enable them to do their work successfully and supply sufficient foodstuffs to the country.

The next point I wish to mention, Sir, is C.O.L.A. On page three of Your Excellency's Address Your Excellency mentioned the amount of money paid to the various sections of the community. You have mentioned that C.O.L.A. has been given to Native Administration servants. In fact, Sir, His Honour the Chief Commissioner for the Eastern Provinces will bear me out, there are numbers who do not get this and I think they are suffering greatly—they cannot get C.O.L.A.—they are Native Court messengers. Your Excellency, they give fulltime services to the court. When the court is not in session they are employed in effecting the service of writs. They have got to live. I submit that Native Court messengers are entitled to their C.O.L.A. Some of them have got to use their bicycles to carry out their duties and Your Excellency knows what bicycles cost now. Therefore, I think they are quite right to make a claim for their share of C.O.L.A. and I submit that Your Excellency will give instructions that they shall be considered. The Secretaries of the

Native Administration Councils have also lodged complaints that they should be entitled to a share in C.O.L.A. I submit, Sir, that their claim is justified and they should have their share. They give wholtime services. I know that. In my own division I know that the Secretaries of our Councils, when the Council is not in session, are in the Native Administration Offices to carry out clerical duties and other duties. Therefore they give fulltime services and there is no reason why they should not be considered in the enjoyments of the privileges accorded to others. Your Excellency too mentioned that mission teachers have been given C.O.L.A. Sir, I do not want to waste Your Excellency's time for I know that a word from a member of this House cannot be considered frivolous but something really to be considered. The teachers—mission teachers—are not satisfied at all. They complain that their C.O.L.A. has been reduced from 40 per cent which they were led to suppose was their right to 25 per cent and so they appeal against this discrimination and I submit, Sir, that they should be considered and their grievances be removed and redressed. I do not want to make comments on the usefulness of the teachers, or the duty of the teachers, or the necessity of the teachers in the administration because without them there would be none of us here in this House. We are all products of teachers and to give cause to teachers to be distressed and say that their houses are gone to rack, is terrible. How should we do this and turn round to our fathers and say I am worthy to be a father? Especially when the Honourable Member for the Rivers pointed out that the currency that most of our teachers use has been reduced to 5d from a shilling. The teachers should be considered. Well, Sir, the position of the teachers, as well as the position of the Court messengers and others, is a very, very poor one. I submit, Sir, that Your Excellency removes the error if there is any error. We know there *is* an error and that error should be removed.

Now, Sir, I should not be carrying out my duty if I failed to echo the sentiments expressed by my former speakers. The position of the central Government is very, very ridiculous and the authorities who govern the Native Administration expenses would, as a matter of fact, make themselves very, very ridiculous in the estimation of the world if the Chiefs in the Native Administration, who are the very source of the power of native rule in the Native Administration, are not given their due. It is very, very ridiculous to see a Chief, earning say £2 per month, giving orders to his servants who earn up to £120 or above that. What a master! This is the position of our Chiefs who have got to spend their time in the Council so that tax can be collected in time and give wholtime service. Of course, as His Honour knows there are some weak ones but this is no reason why those who are sensible of their duties should not be given their dues. Chiefs in the provinces in my division are in a very, very deplorable position indeed. If they are not proper Chiefs, then they should be sent

away. If they are not worth the salary of Chiefs, then there should be no Chiefs at all. They are entitled to be so protected, so looked after, so enabled to hold responsibility that they may be able to look into the face of their servants because they owe them nothing. You cannot pay a servant more than a master. I am thinking perhaps it is because our Chiefs are not educated that they are not being paid more, but they are educated sufficiently to be earning a reasonable means of livelihood. If it is because they are not educated I think they have the capabilities to carry out certain duties entrusted to them. The willing horse should not be driven to death. I submit, Your Excellency, that our Chiefs should be paid more and I have the hope that our Chiefs will be paid more. All the Chiefs in my Division serve the Administration but they are not considered. We will be just to them. I put a question on this last year. This was my question:—

Question No. 4. 16th March, 1942.

To ask the Honourable the Financial Secretary:—

(a) What percentage of the tax collected from the Asaba Division goes to the Central Government?

(b) How many Obis are members of the Native Courts of the Asaba Division?

(c) What salary does each receive in his judicial capacity?

The replies were:—

“(a) Fifty per cent.

(b) Forty-five.

(c) The areas over which these Obis exercise authority vary considerably, from a single village to a whole clan. Eighteen of them receive consolidated salaries for administrative and judicial work the particulars of which are as follows:—

	£	
Obi of Agbor	126	per annum
Obi of Uburuku	72	” ”
Obi of Ogwashi-Uku	66	” ”
Obi of Owa	60	” ”
Obi of Abavo	50	” ”
Obi of Issele-Uku	48	” ”
Obi of Akumazi	41	” ”
Obi of Umunede	36	” ”
Obi of Uteh-Okpu	28	” ”
Obi of Asaba	24	” ”
Obi of Otolokpo	16	” ”
Obi of Uteh-Ogbeje	12	” ”
Obi of Onitcha-Ugbo	9	” ”
Obi of Mbiri	8	” ”
Obi of Idumuje-Ugboko	6	” ”
Obi of Idumuje-Uno	6	” ”
Obi of Uburunor	6	” ”
Obi of Emuhu	6	” ”

The other twenty-seven Obis do not receive personal judicial salaries but a sum based on 40 per cent of the Court fees is paid to the members of each Court and divided among them, the Obi receiving his share according to the custom prevailing in his particular village."

It is a very long list, I do not want to waste your time. If a Chief is qualified to receive £126 he is surely worthy of receiving an increase when his responsibility is increased. Our Chiefs are looking up to the day when Your Excellency will give them their rights—for it is a right that a servant is worthy of his hire and I am satisfied, Sir, that Your Excellency is aware of this and, therefore, that Your Excellency will get his wish, especially as you are going away. You will leave no stone unturned to satisfy our Chiefs. I thank you, Sir, for this.

Your Excellency mentioned that, "The Chief Marketing Officer continues to concentrate his attention on the problems of internal and inter-colonial trade and he is making a careful survey of the internal trade of this country." This brings me to the Chief Marketing Officer and the Department of Produce Examiners. These two departments are, as other departments, very very important in your Administration and I submit to Your Excellency that these two departments should be properly organized in such a way that the services in both departments and the duties should not be mixed. The Chief Marketing Officer and his department should be a distinct entity because I have heard some complaints from the Department of Produce Examiners that the office of the Chief Marketing Officer and the duties of that department have been mixed up with the Department of Produce Examiners. I submit, Sir, that the two departments should receive distinct organization and distinct consideration rather than mix them up.

Your Excellency mentioned education. Before I touch on that point, however, I wish first to thank Your Excellency and our able and distinguished Chief Commissioner—we may not let him go home—for extending your sympathy to cover our circumstances. When we were hard put to it, I, as representing my people appealed to His Honour the Chief Commissioner, Eastern Provinces and drew his attention and solicited his sympathy for our position. With this he promised to approach Your Excellency and we know that he did because of the results of that promise. As representing my division, I thank Your Excellency, I thank His Honour, for having provided that same aid from the Administration. If, Your Excellency, we fall short of performing our duties in response to Your Excellency's consideration to us, Sir, please call attention to it. We are prepared, quite prepared, to perform our duties—duties must be done.

I call Your Excellency's attention to the restrictions affecting students who wish to go abroad for further studies. I thank Your Excellency for having explained the position, and we hope Sir, that as Your Excellency has stated, such restrictions are war-time measures and that they will be removed after the war. But

I would ask the question as a child, and I wish to be taught as a child, is there any necessity to make such restrictions at this time of the war when a parent proves that he can send his child. What Government should do is to make a parent prove that there is money to send his child abroad and as soon as that is proved there should be no restriction at all, for inasmuch as we have sent our children away to fight, to take a sea route or land route, without any restriction, to go and fight and lay down their lives to restore mankind to humanity, there is no reason why our sons should not be allowed to go at this time. Europeans are going home and coming back, why not our students. If they do go and suffer misfortune, well they know it is wartime. I submit, Sir, that these restrictions should be reconsidered even at this time. As I said a while ago that we should be cheered when we run, we should be consoled when we fall, we should be applauded when we rise, Your Excellency let us pass and go to attain the goal intended for all human people to achieve.

Referring Sir, to the ten-year plan, I have to thank you, Sir, as representing the administration for bringing about that plan. The very number ten shows that it is something real, the very number ten, the one and the nought, prove that there is something real in it, and I thank Your Excellency for it. But the beginning tells what the end will be. If this plan is going to prove effective any error in the beginning should be corrected. In the subjects to be pursued under the ten-year plan I do not see any subject on industry.

His Excellency :

I hope the Honourable Member will look at the last item.

The Member for the Ibibio Division (The Hon. N. Essien) :

Yes, Sir, Technical Training. I thank Your Excellency. And another point. I wish to thank Your Excellency and the administration for the consideration given to private schools. Nothing will make

His Excellency :

I would ask the Honourable Member not to anticipate a Bill to come before the House.

The Member for the Ibibio Division (The Hon. N. Essien) :

All right, Sir. Under this subject, Education, I beg to call Your Excellency's attention to certain grievances amongst my people. Ikot Efiang school is the latest Government school in the Calabar Province, and I think inasmuch as Government have taken pains in the days gone by up to the present moment to see about that school, that school should be much more improved than it is, and the standard of education should be raised. I think it should go to Middle Class 3 and 4. Up to now it has not been placed on that standard and my people wish that this school be so raised educationally. And the spring the children have is very far away before they

can get water. Surely it is possible to get a well somewhere for the children, even if times are hard financially. Only a promise will make my people dream dreams and make them see visions of better days.

There should also be a Native Administration dispensary for the children. The present Native Administration dispensary is very far away. The Chief Commissioner knows the distance between the dispensary in and the dispensary in they are very far away from the children and there should be a dispensary put up nearer.

Also that area comprises many educated people. The people there need postal agents, and I think it would add to the revenue if postal agents could be established there. If we are considered so far we shall be very grateful, as we have been in other things so we shall be in future.

The next thing is the Medical Department. Your Excellency, my honourable friends have pointed out that the nature of the service performed by a servant determines his salary, not only the nature but the quality. It appears here, Sir, if a person is qualified to receive so much and does the work satisfactorily he gets that amount. Another person comes and qualifies and does the same work and gets more money than the very person taking the work before and who was more qualified. I think that obtains in the Medical Department amongst Medical Assistants and I suggest, Sir, that such conditions should be investigated and wrongs be righted. I am happy to report to Your Excellency, that our Hospital has served admirably well and His Honour the Chief Commissioner, Eastern Provinces, is here to support me in my statement. When that hospital was not so well thought of the Government was making certain remarks and promised that when there is a permanent Medical Officer there it would receive complete consideration from the Government. Now Dr Haig is there, a Naval doctor, a gentleman in his life and a true servant of the people, also a Nursing Sister. Both of them are courteous in their profession. Your Excellency, the nurses there too, who take Government examinations, are instructed according to Government syllabus and qualify accordingly. There is no reason why they should not be considered, because as they are there they are public servants assisting the Government, and inasmuch as there was a promise made sometime ago that when that department is properly equipped it will be considered I beg to remind Your Excellency, that that promise should be fulfilled.

I pass on to the Public Works Department. In this day, Sir, all departments have contributed to administration and Public Works is no exception. But I have received petitions from European merchants at Opobo and from native inhabitants there of the bad condition of the road which leads to Opobo. Well, the European merchants in Opobo, I can assure you, Sir, even though they are merchants, if they had exploited us we were not intelligent enough to detect the exploitation—I can assure you

that those gentlemen have contributed to the educational attainment of the Ibibio, because those firms who have agents there have granted scholarships to our children, and this is very gratifying. I thank them. As such, Sir, the roads which lead to that centre should be considered so that the merchants will be able to earn more and to help us more.

I come to the Police Department. Well, Sir, there is no doubt that that Department may merit or deserve certain things meted out to them, this advice given to them that they should do better if they had not been doing well. But anyway if I take them to be a dead dog it is not by mad dogs. Yet there is something in them very attractive about them, like their milk white teeth. The police I maintain, Sir, constitute the eye of the law, the feet of the law, the power of the law. Without the police where would we be, Sir. They have done their duty. And so if they fail in certain respects they are human beings, as such they are liable to err, but I think they should be granted every privilege. The police, as I understand, have ten days leave in one year. Why should they not be made to enjoy equal privileges, to get fifteen days a year. They need rest considering their duty. As one of the Honourable Members said in his speech about the police I am not here to decry them because we all know the duty the Nigerian Police perform. It is the merit and right of the rank and file to enjoy the benefits of the general order that public servants are enjoying fifteen days a year. And when they go on leave I understand that all the privileges granted them was for them to go on leave with their wife. The child, no space. The servant, no space. But, Sir, we have been rightly taught that when the prophet left his old homeland to go to a new one, he put his old father on his shoulder, led his child by the hand and turned round and said to his wife "follow me". He had confidence in his wife. But the police are instructed "when you are leaving your old place to go to your new place, carry your wife on your back, put her over your shoulder, but your child and servant, leave them behind". Your Excellency, I beg of you, Sir, that the policeman in his transfer be allowed to enjoy the same privilege on transfer of leaving to the new place of service with not only his wife, but his children according to the number allowed in General Orders, and with servants, because they too spell indispensability in the administration of Nigeria.

As for quarters for the police, when the Honourable Commissioner of Police was at my division I hurried to meet him to call his attention to the quarters put up for the police, but unfortunately I was not able to see him, but I put it to him now, Sir, through you, that he should consider the comforts of his people. The policeman to-day has very drastic service and that is sufficient reason to give them sufficient comforts. One small room for a man and his family to live in, their soup pot goes in and everything that a man can use for his comfort, in the one same bedroom and living room. Well, Sir, on those days of darkness we have

turned our back, but now is the day of light and I think the comforts of the police should be considered.

When I come to the uniforms of the police I think the Administration loses by revenue when we start to make comparison of the present uniform of the police with the uniform they had formerly. The present uniform does not last long and does not look dignified. We complain there is no reason why the police amongst us should not be raised up physically to be equal with the police on the Gold Coast, who wear long trousers, helmet and boots. That suits Nigeria in these days of light. The war is the excuse of the present day, but even then, Sir, I submit that the police uniforms should be reconsidered and the general comforts of the police should be considered also.

Lastly, Your Excellency, I have to mention Mining. I said lastly but I still have about six other heads. Your Excellency mentioned Mining. We are to-day qualified, Sir, I submit very humbly, to enjoy the privileges extended to those in the Department of Mining as miners. There should be no discrimination in granting prospecting rights and mining rights or mining lease to natives when they prove they are qualified to possess such rights. I remember in Calabar Province that in years gone by, when I was a child in school I heard of some tin being found

His Excellency:

May I ask the Honourable Member to refrain from discussing the Bill on the Minerals Ordinance?

The Member for the Ibibio Division (The Hon. N. Essien):

All right, Sir. Well, I need not deprive the other members of their time, Sir, but there is one point I have to mention. Your Excellency, in your office protects the interests of all your subjects. You mentioned the interest of Mission teachers. That is the interest of Missions in general and missionary bodies are not only Europeans but members of the two races—Europeans and Africans—and we Nigerians maintain, Sir, that missionary bodies constitute a department of service in our interest and so those missionaries who serve in those departments are public servants. As such, we being members of the public whom they serve should be considered. There is a sore grievance in the Ibibio Division about the question of regional boundaries settled by missionaries, Your Excellency, as it means that when there is any denomination in a village, the inhabitants of that village have no right whatsoever to call in another denomination to serve them. We maintain, Sir, that this is quite contrary to religious toleration, that goes against liberty of conscience, liberty of religious worship. It goes against all our rights as owners of our land, owners of our children, owners of money which we pay by contributions towards the work of missionaries for them to remain in our land and legislate against our educational law. When we have a denomination we may not even call for another denomination. But for the fact that the Roman Catholic came to Calabar and rivalled the missionaries there,

all those intelligentsia of Calabar to-day would not have been what they are to-day. I am one of them. I asked a question, Your Excellency, in 1939 as to whether there is any individual or number of persons which is not bound by the law of Nigeria. The reply was in the affirmative, that no individual or group of persons, religious or otherwise, who are not bound by the laws of Nigeria. That was in 1939. In 1941, I put a question as to whether Government was aware of arrangements made by missionaries. The reply was in the affirmative, that such an arrangement was a private arrangement, and as such the approval of Government does not arise, and I took it to mean that there is no legal support to such an arrangement that two or more persons have no legal right to bind a person not a party to that contract. I submit, Your Excellency, that a pronouncement be made to make my people understand that they are free to call in any religious body to their land. I beg of you, Sir, that these grievances be put into the list of those grievances which, Your Excellency, has to consider before you leave us.

I leave you now, Sir, with my best wishes and thank you for the patience accorded me.

His Excellency :

I understand that the Select Committee to consider the Income Tax Bill is sitting this afternoon. Council will therefore adjourn until 10 o'clock to-morrow morning.

Council adjourned at 12.25 p.m.



Debates in the Legislative Council of Nigeria

Friday, 19th March, 1943

Pursuant to notice the Honourable the Members of the
Legislative Council met in the Council Chamber, Lagos,
at 10 a.m. on Friday, the 19th of March, 1943.

PRESENT

OFFICIALS

- The Governor,
His Excellency Sir Bernard Bourdillon, G.C.M.G., K.B.E.
- The Chief Secretary to the Government,
The Honourable A. W. G. H. Grantham, C.M.G.
- The Chief Commissioner, Western Provinces,
His Honour G. C. Whiteley, C.M.G.
- The Chief Commissioner, Eastern Provinces,
His Honour G. G. Shute, C.M.G.
- The Attorney-General,
The Honourable H. C. F. Cox, K.C.
- The Acting Financial Secretary,
The Honourable C. Watts.
- The Director of Medical Services,
Dr the Honourable J. W. P. Harkness, C.M.G., O.B.E.
- The Acting Director of Education,
The Honourable C. R. Butler, O.B.E.
- The Director of Marine,
Commander the Honourable A. V. P. Ivey, C.B.E., R.D.,
R.N.R.
- The Comptroller of Customs and Excise,
The Honourable A. E. V. Barton, C.B.E.
- The Deputy Chief Secretary,
The Honourable T. Hoskyns-Abrahall, C.M.G.
- The Senior Resident, Oyo Province,
The Honourable H. F. M. White, C.M.G.
- The Resident, Onitsha Province,
The Honourable D. P. J. O'Connor, M.C.
- The General Manager, Nigerian Railway,
The Honourable C. E. Rooke.
- The Director of Public Works,
The Honourable S. J. W. Gooch.
- The Director of Agriculture,
Captain the Honourable J. R. Mackie, C.M.G.
- The Honourable W. C. C. King,
Commissioner of Police (Extraordinary Member).

- The Honourable G. L. Howe,
Solicitor-General (Extraordinary Member).
The Honourable E. C. Crewe,
Postmaster-General (Extraordinary Member).
The Honourable E. A. Miller,
Commissioner of Labour (Extraordinary Member).
The Honourable G. B. Williams, M.C.
Commissioner of the Colony (Extraordinary Member).

ABSENT

- The Chief Commissioner, Northern Provinces,
His Honour Sir Theodore Adams, Kt., C.M.G.
The Senior Resident, Plateau Province,
The Honourable E. S. Pembleton, C.M.G.
The Senior Resident, Kano Province,
The Honourable J. R. Patterson, C.M.G.
The Senior Resident, Sokoto Province,
Comdr. the Honourable J. H. Carrow, D.S.C., R.N.
(rtd.)
The Resident, Benue Province,
The Honourable D. M. H. Beck, M.C.
The Resident, Katsina Province,
The Honourable R. L. Payne.
The Resident, Zaria Province,
The Honourable F. M. Noad.
The Resident, Calabar Province,
Major the Honourable H. P. James.
The Resident, Ondo Province,
Major the Honourable J. Wann.

UNOFFICIAL MEMBERS

- The Member for the Ibo Division,
The Honourable B. O.-E. Amobi.
The Member for the Rivers Division,
The Honourable S. B. Rhodes, C.B.E.
The Member for Calabar,
The Rev. and Honourable O. Efiang.
The Member for the Ibibio Division,
The Honourable N. Essien.
The Member for the Ijebu Division,
Dr the Honourable N. T. Olusoga.
The First Lagos Member,
The Honourable H. S. A. Thomas.
The Mining Member,
Lt.-Colonel the Honourable H. H. W. Boyes, M.C.
The Commercial Member for Kano,
The Honourable W. T. G. Gates.
The Second Lagos Member,
The Honourable Jibril Martin.
The Commercial Member for Lagos,
The Honourable J. F. Winter.
The Third Lagos Member,
The Honourable Ernest Ikoli.
The Member for Shipping,
The Honourable G. H. Avezathe.
The Member for the Colony Division,
The Rev. and Honourable T. A. J. Ogunbiyi.

The Member for the Egba Division,
The Honourable Olaseni Moore.
The Member for the Cameroons Division,
The Honourable J. Manga Williams.
The Commercial Member for Calabar,
The Honourable W. V. Wootton.
The Member for the Ondo Division,
The Rev. and Honourable Cannon L. A. Lennon, **M.B.E.**
The Commercial Member for Port Harcourt (Provisional),
The Honourable John Crawford.
The Banking Member (Provisional),
The Honourable K. M. Oliver, **M.C.**

ABSENT

The Member for the Warri Division—(Vacant).
The Member for the Oyo Division—(Vacant).

PRAYERS

His Excellency the Governor opened the proceedings of the Council with prayers.

CONFIRMATION OF MINUTES

The Minutes of the meeting held on the 18th of March, 1943, having been printed and circulated to the Honourable Members were taken as read and confirmed.

QUESTIONS

NOTE.—Replies to Questions No. 27 by the Honourable the Member for the Rivers Division, Nos. 43 and 44 by the Honourable the Member for the Ijebu Division, No. 53 by the Honourable the Member for the Ibo Division, No. 55 by the Honourable the Member for the Calabar Division, Nos. 75-77, 79 and 81 by the Honourable the Third Lagos Member, Nos. 82-88 by the Honourable the Member for the Ijebu Division, and Nos. 89 and 91 by the Honourable the Third Lagos Member are not yet ready.

The First Lagos Member (The Hon. H. S. A. Thomas):

49. Inviting Government's attention to a report published in the *West African Pilot* of Monday the 8th of February, 1943, in which it was stated that a teacher, David Ugbu Anya Ibe by name, had been convicted at the Magistrate's Court, Port Harcourt, on a charge of attempting to stab the Rev. M. D. Showers, Local Manager of the Niger Delta Pastorate Church Schools, to ask:—

(a) Whether it was a fact that this local Manager of the Niger Delta Pastorate Church Schools had deducted the sum of six shillings from Teacher Ibe's salary on the ground that Ibe's wife had failed to pay Church dues?

(b) Whether it was a fact that Ibe's wife had worked for that religious organisation for a month without being paid?

(c) Whether Ibe had been teaching in an assisted school?

(d) Whether the sum of thirteen shillings and six pence had been deducted from Ibe's salary without his consent as a contribution towards the C.M.S. Niger Mission Super-annuation Fund? and

(e) Whether protests against their being made to contribute to this Fund had been made to the Education Department by teachers of this Mission without any result and about sixty of

them had been led to resign from the service of the Mission in consequence?—(The *Nigerian Eastern Mail* of the 14th of November, 1942, page 5, column 3 refers).

Answer—

The Hon. the Chief Secretary to the Government:

(a) Yes, Sir.

(b) No, Sir. She was not a paid worker.

(c) No, Sir.

(d) For 1941 and 1942 Ibe paid 15s voluntarily to the Fund, and the balance of 13s 6d which was due from him for these two years was deducted from his salary when he left at the end of 1942. It is a regulation of the Church, which came into operation during the second quarter of 1941, that all teachers pay to the Superannuation Fund at the rate of 2½% of their salaries. Teachers who do not agree to contribute are asked to resign. Ibe's salary was £33 per annum.

(e) No protests have been received by the Senior Education Officer, Owerri Province. The General Manager of the Niger Delta Pastorate Schools, Port Harcourt, states that only two teachers have given as their definite reason for resigning, the deduction of Superannuation contributions from their salaries.

The First Lagos Member (The Hon. H. S. A. Thomas):

50. (a) To ask whether it is a fact that teachers trained at St. Charles College, Onitsha, in respect of whose training Government pays grants-in-aid and who sign a Government bond to teach for five years after the completion of their training, are compelled by the Authorities of this College to sign an additional bond to teach for at least eight years and also to refund the expenses of their training by paying back to the Mission the sum of £40 by four annual instalments of £10?

(b) If so, will Government kindly see that this practice of requiring the refund of training expenses of £40 is abolished?

Answer—

The Hon. the Chief Secretary to the Government:

The Honourable Member is referred to the reply to Question No. 39 of the 27th of September, 1939, published at pages 22 and 23 in the Legislative Council Debates of the issue of the 7th of December, 1939.

The Third Lagos Member (The Hon. Ernest Ikoli):

78. (a) To ask how many Magistrates of African blood are now employed in the Nigerian Service, and the areas to which they are posted?

(b) Has a Magistrate of African blood been appointed to any part of the Northern Provinces? If not, why not?

Answer—

The Hon. the Chief Secretary to the Government:

(a) There are at present 13 African Magistrates. One is on leave; 3 are posted to Lagos, and one at each of the following places:—

Benin, Onitsha, Aba, Warri, Abeokuta, Ikot Ekpene, Ibadan, Port Harcourt and Abakaliki.

(b) No, Sir. This is due to incidence of posting and the fact that His Honour the Chief Justice considers it desirable that, as

far as possible, only Magistrates with experience of the Northern Provinces should be posted there.

BILLS

(Second Readings.)

THE 1943-44 APPROPRIATION ORDINANCE, 1943

The Commercial Member for Kano (The Hon. W. T. G. Gates):

Your Excellency, a year ago we looked forward to this financial year with justifiable misgiving, and I feel we can consider ourselves extremely fortunate to be in the position we are to-day considering the events that have occurred during the past twelve months. Despite the heavy calls made on our resources, we have been able to make a very generous payment by way of COLA to Government employees to help them to meet the increased cost of living, and we are still able to balance our Budget. This is due in the main to the fact that the volume of imports has been maintained at a remarkably high level, which has brought the revenue from customs duties to fifty per cent more than was originally estimated.

This maintenance of our vital trade was made possible only by the magnificent and sustained efforts of our Merchant Navy, Royal Navy and Royal Air Force, who, day after day, week after week, month after month, for three eventful years have protected our convoys. And I want to associate myself with the tributes already paid to our gallant merchant captains and seamen and to the other services. We, who have not had the good fortune to take a more active part in the war, owe them a debt of gratitude that we can repay only in part—by doing what is required of us to produce the materials that are required to enable us to win the war as soon as possible.

As I have said, Sir, our reasonably successful position is largely due to the maintenance of trade, and as a merchant I was sorry to hear the unkind remarks about merchants generally made by the Honourable the First Lagos Member and the Honourable the Member for the Ibibio Division. I think it is time it was generally realised that the exploitation of the African—if it ever existed—is past. It is not in our best interests to exploit the consumers of our merchandise or the producers of our produce, even if it were possible in these enlightened days; and without trade, and without the merchants, Nigeria could not live. And I hope one day we, who are perhaps regarded as a necessary evil, may be better understood by the leaders of African thought. The war has brought us similar problems to those confronting Government. We have our European staff difficulties, shortage of manpower, and so on; we have to keep in mind innumerable regulations, and we have been asked to buy and ship products of which we have had no previous experience. I ask Your Excellency, therefore, that more consideration might be given to these much maligned merchants whose policy is formed with one principle

aim in view, that is to market the maximum production of those commodities so badly needed to enable the Allied Nations to win this war as speedily as possible.

As regards the accusations levelled at European trading firms by the Honourable the First Lagos Member, that the African trader is being squeezed out of existence, I can assure him that there is wide scope for the genuine independent African trader, and war conditions which have stimulated local production so extensively have also created many more profitable opportunities for the African. But I have observed no great rush to exploit these opportunities, with one or two notable exceptions. If the African wants to make a success of trade, however, it is not a question of just selling goods and collecting commission on purchases of produce: he must work to a policy, he will have to show enterprise, he will have to look ahead, he must have some natural business ability, and, above all, he must be prepared to work hard and to work long hours. Admittedly it may not sound a particularly attractive way of earning a living, but if the Nigerian Youth prefers the relatively sheltered career offered by the Government clerical service, he cannot turn round and blame the merchants and say we are not giving the African a chance.

As I represent the commercial community of the North, I would like to say a few words about groundnuts. Last year the tonnage was the lowest for many years. The season was a dismal failure, although it was particularly desirable that we should increase our production. The failure was due principally to the unfavourable weather conditions during the planting and growing seasons, but it was not entirely due to that, and I feel we could have done better. We know that groundnuts stand very high on the list of strategic war materials; it is of the greatest importance that next season's crop shall reach big figures, and although steps have already been taken to produce the desired result I feel that we have in some respects cut things rather fine. I know I speak for the merchants generally when I say we shall do everything in our power to make this groundnut drive a success, and it is encouraging to hear that the people in the South have accepted this first restriction so willingly.

I should be failing in my duty, Sir, if I omitted to express my appreciation of the fine work done during the year by the officers of the Public Works Department. I know at first hand some of the things they have done. Many of them have been of the greatest importance, many of them could not be done in the time allowed, but somehow they were done, and some startling feats of construction were performed in very trying and discouraging conditions. We, and the fighting services, owe the Public Works Department a debt of gratitude.

I would like to assure you that these draft Estimates have received our close and careful attention. Much has already been said in this debate, and I think the various questions we want to discuss may be left till the sitting of Finance Committee.

The Member for Calabar (The Rev. & Hon. O. Efiang):

Your Excellency, I bring you greetings from my constituency, and feel very happy to be afforded the opportunity by this Session to criticise the general policy of the Government and the Estimates for the year that is before us.

I must first of all associate myself intimately and sincerely with my predecessors in expressing appreciation to His Honour the Chief Commissioner of the Northern Provinces. We regret very much his retirement, but it is inevitable. We will ever remember his contributions to the debates in this House, which have always been very helpful and very constructive. We wish him every success, happiness, and a long lease of life.

With respect to His Honour the Chief Commissioner of the Eastern Provinces, the news of his impending departure came to me as a shock, from which I have not yet recovered, although the Honourable Member for Ibo Division fortunately said he had recovered from his shock. The Chief Commissioner was a kind friend, he was a father to the people in the East, and for the Calabar people he seemed to have a very warm spot in his heart. It is a pity, Your Excellency, that his retirement comes before the cessation of hostilities, because we had hoped we would sit together to frame post-war policy. At any rate I have mentioned to him what we in Calabar are aiming to do and I hope he will give wise counsel and direction ere he leaves these shores. His administrative qualities are too well known to all of us to need any comment. We regret, Sir, his departure, but it is unavoidable. We wish him success, prosperity, happiness and a long lease of life.

With regard to yourself, Your Excellency, as we shall have an opportunity to meet again in this Council we feel that copious tributes will then be paid to your ingenuity, organising powers and administrative qualities.

With respect to the Estimates, we shall have time to go into that when we sit in Finance Committee. I only wish to say that we have been able to balance our Budget, and when we consider the amount of money spent on COLA and other services we have to pay tribute to the financial officers of this House, particularly to the Acting Financial Secretary, for his ability to present to us a balanced budget, to the Collector of Customs and Excise as the head of the revenue yielding department, and also to the accounting branch. As I said before, when we come to Finance Committee we shall be able to scrutinise in detail the finances.

Your Excellency, I thank you very much for the appointment of two of our most experienced and eminent Councillors and Barristers to the Executive Council, the Honourable S. B. Rhodes, C.B.E., and the Honourable A. Alakija, C.B.E. These appointments are just in time. They are very much appreciated and will never be forgotten. The Honourable Third Lagos Member mentioned the difficulty and inconvenience of a Member of Executive Council having to come all the way from the Eastern Provinces. I

appreciate that, Your Excellency, but I feel that in the Government distance is no barrier. I feel that the Western Province has monopolised most of the amenities and benefits accruing from Government and I judge therefore that the appointment of a man from the Eastern Provinces was well guided and directed. Your Excellency, generally know that learning, culture, civilisation and religion originated from the East and thence benign influence to the West, and though these amenities are being enjoyed by the West in concentrated form we feel that the East will rise to make a serious and organised claim for its legitimate share. We are very grateful you have made such a selection. It is a step in the right direction.

Your Excellency, I now come to post-war reconstruction. This is a very important and urgent subject. We are glad that the Government is giving it very serious attention. We have envisaged the terrible scramble that will follow demobilisation of our Nigerian troops. Already we have hospitals full with patients wounded by some of these military pioneers, and as has been observed by the Honourable Member for the Ibo Division, the sooner a committee is set up to study what should be done with these men when they come back the better. And I appeal to Your Excellency that Government should take into their confidence leading chiefs, and young men of the different Provinces, when organising them when they come back.

I repeat, Sir, that Nigeria can be self-supporting, easily self-supporting. She can produce milk, butter, sugar, hides and skins, boots and shoes, foodstuffs of all kinds, bricks and tiles, all kinds of timber, articles made of rubber such as tyres for cars and bicycles, and so on, and I am happy that Government is taking steps to see that Nigeria is gaining that self-sufficiency. Your Excellency, in your excellent Address re-affirmed that the industries developed during the war have come to stay. I want to say that the time has come, that it is really overdue, to carry out this scheme for Nigeria. Nigeria is over-ripe for an industrial revolution and I support heartily the view of the First Lagos Member who suggested that the Government of Nigeria should consider the advisability of sending large batches of students abroad to study technical posts and all their ramifications, so that when they come back they will be able to help do their share in the development of the country's industry. I believe in this policy, Sir, that we are not made to shoulder our own responsibility sufficiently, and this is the time that Africans should be harnessed for the purpose.

I next come to Native Administration. This subject has been very well thrashed out by previous speakers. I want to say that progress in the Native Administrations, particularly in the Eastern Provinces, is very slow and uncertain, and there are very many elements which contribute to make it so. The Chiefs who are members of the Native Administration do not know exactly what part they have to play in the machinery, they do not know

how to define the beginning and the end of the position of the District Officer in the system. It is time, Sir, that they should be well instructed and trained to understand they have administration rights, responsibilities and powers so that we might avoid clashes between them and the Administrative Officers. In certain areas the Chiefs regard the Native Administration as a Government machinery, at the head of which is the District Officer, and that they are the unpaid employees.

There is another embarrassing feature, to which reference was made the other day. I refer to the fact that these Chiefs are very poor and do not receive sufficient stipend to enable them to live respectably. I made this observation last budget session, Sir, after my experience in one of the areas in the Eastern Provinces where we discovered certain Chiefs in the Administration earning 8d a month and you can understand that is one of the reasons why corruption and bribery are rife in the Native Administration system. Some of the Chiefs do not have any power, or seem to have no power, over their employees. On the other hand the employees, owing to their money and their education, dominate some of the Chiefs. This is a very sad state of affairs. I want to say again, Sir, that under this head I would ask that the report of the committee and the details which have been collected should be put into the hands of the Native Administration and its leading members and the Unofficial Members of this House. In that report we feel, Sir, that Native Administrations will find material to work their administration with a degree of success.

I propose to say one thing only regarding Judicial. Your Excellency, we thank you very much and the Executive Council for the number of Magistrates appointed. It seems, of course, to deplete the Bar somewhat, but still it is worthy of gratitude. But we feel, Sir, that appointment has been to the younger members of the Bar. Senior members of the Bar, experienced people who have been well tried and proved, are also to be considered for Puisne Judges. We have had one already as an Assistant Judge in the Western Provinces. We feel, Sir, that consideration should be given to the senior members of the Bar in the Eastern Provinces. I shall not give this House reasons, because the reasons are obvious and eloquent.

Your Excellency, regarding the question of Manilla currency, the Honourable Member for the Rivers Division has nearly exhausted this subject during his Address. I have to corroborate the statements he made, and ask for immediate steps to be taken, Sir, in one of two ways—(1) Either to remove manilla as a means of currency, because it is now unwieldy. It sprung from the markets, and it is therefore a sign of retrogression for Nigeria to continue with this currency, which is not easily portable and I doubt whether it is acceptable with the Banks. It is not negotiable throughout the length and breadth of Nigeria. I feel, Sir, manilla has served its time and should exist no more.

(2) If, because of the present condition of things, manilla cannot be withdrawn, we feel, Sir, that it should be standardised, and I support the view of the Honourable Member for the Rivers Division that no more should be felt in the markets. It is jeopardising the trade of the people there. It should be twelve to a ls until such time as it is possible to prohibit it from the markets.

Your Excellency, the next point I want to deal with is the Forestry Department. I have very little to say about this Department, but reading through Chipp's report I was convinced of the immense resources of our Nigerian forests. The wealth of it has not been exploited to our advantage at all. We therefore respectfully ask Government to give us all assistance, and if a Pilot Sawmill could be provided in the Eastern Provinces, as has been done in the West, we should be grateful.

I come to the next point—COLA for pensioners. I remember, Sir, the Pensioners Association in my area are very uneasy about the fact that they have not yet received COLA. I am diffident to speak much about it, but I believe in different areas the Unofficial Members have experienced the same thing. I would like the Financial Secretary, therefore, when he responds to the debates, to make a statement as to whether it is possible or not possible for COLA to reach them. Sir, during the last war the pensioners received bonuses, so that their claim for COLA at this time is a thing to be expected.

The next point, Sir, deals with debt collectors. As soon as I arrived in Lagos last Saturday a deputation of debt collectors approached me. There is evidently great discontent among this class of person here in the Colony. Debt collectors are divided into two classes. The first class are those who collect rents from the houses of their relatives or friends who are incapacitated from doing so themselves owing to distance or other disabilities. These debt collectors have to see to the comfort of the tenants of these houses—repairs and other things. To effectively carry out their work they receive power of attorney from their friends or relatives which enables them to appear in court. This job, Sir, I understand is done on a commission basis which constitutes one of their means of livelihood. The second class of debt collectors consists of debt collectors who collect cash debts. The creditors either sell their debts to these collectors or give them power of attorney to collect the debts for them. I assume that the collection becomes the responsibility of the collector when he is armed with power of attorney and therefore he is entitled to appear in court and demand payment of these debts. The debtors have found no difficulty in recognising them, and I fail to see, Sir, why they cannot be accepted in court. If a debtor refuses to pay his legitimate debts and the court confirms the necessity of employing the services of a solicitor I think it is the collector who retains his services. These collectors are prohibited by a circular from the Chief Justice from appearing in court:—"I am directed by

His Honour the Chief Justice to inform you that he is satisfied that debt collectors cannot appear in Court to represent their clients even if they hold a Power of Attorney and even if their clients are unavoidably absent. A Power of Attorney can only be given by one party to another entitling to appear in Court if the party to whom it is given is a qualified Solicitor”.

Your Excellency, I am a layman on this subject and do not know what technicalities are involved. Collectors have no objection to creditors going to solicitors or giving their job to laymen. They are contending, Sir, that there should be no legislation barring creditors from giving power of attorney to ordinary people to collect debts. According to this circular the time will soon come when the original creditors are afraid to face their debtors because it seems to me that when a person has got power of attorney he is *ipso facto* the creditor.

I now come to the Medical Department. Your Excellency, I associate myself intimately with my predecessors in paying tribute to the Medical Department with regard to the tremendous work that it has done during the war. The proposed intensive work in the field of venereal diseases as envisaged by the Bill before the House will be acclaimed by all. The tour done recently by the Government Dentist was extremely appreciated by the people of Nigeria. I personally witnessed him being swarmed by a large number of patients for which reason he refused to live in the rest house but pitched his tent in the hospital premises, working overtime in order to meet the demand. He dispensed dental treatment profusely to as many as possible.

Your Excellency, his was a tour of benevolence and charity. We feel that such tours should be organised throughout the country and that in better or normal times, Sir, more Government dentists should be given to us in Nigeria one in the Western, one in the Northern and one in the Eastern Provinces.

I want to say, Sir, that last year I made mention of the fact that we should train some of our nurses who are qualified to work as sisters thus helping the revenue of the country. I was misquoted however by the then Honourable Director of Medical Services as if I intended to ask for wholesale replacement of European sisters. We have never intended that and I cannot intend that but I want to save the money of the country and help the country as much as possible.

Again, we feel, Sir, that the post of Chief Sanitary Inspector has long been vacant and we shall hope to deal with that particularly in Finance Committee.

The nurses in Nigeria have made frequent representations to this department for their re-grading. I happened to see the communication and I feel that the time has come for something to be done to re-grade the nurses up to Chief Nurse even if the salary of the Chief Nurse is not rated that of the Chief Clerk owing to limitation in their additional qualifications.

Your Excellency, I wish to speak about the Medical Assistants or Assistant Medical Officers. This question is causing a good deal of anxiety and uneasiness. The students feel highly disappointed. They entered the Nigerian School of Medicine and Surgery with a full expectation of full qualification, such a qualification as would be recognised by the General Medical Council in England. They feel, Sir, that they have been greatly disappointed. Their hopes for such registrable qualification have been dashed to pieces. Their diploma has turned out to be purely local, not even recognisable in the other West African sister Colonies. When the West African School of Medicine was broached the Secretary of State for the Colonies appointed a competent and proper committee in the persons of:—

Dr W. J. D. Inness	...	Director of Medical and Sanitary Service, Gold Coast (<i>Chairman</i>).
Dr D. Alexander, C.M.G.	...	Director of Medical and Sanitary Service, Nigeria.
Dr J. C. S. McDouall	...	Director of Medical and Sanitary Service, Sierra Leone.
Dr T. B. Adam	... ..	Deputy Director of Medical and Sanitary Service, Nigeria.
Dr G. H. Macalister	...	Principal of the Medical School, Singapore.
The Rev. A. G. Fraser	...	Principal of the Prince of Wales College, Achimota.
W. T. Harragin, Esq.	...	Secretary.

Your Excellency, these men were experienced in their profession. They contributed of their best and the opinion of the other West African Colonies was also collected. The consensus of opinion was, Sir, to establish a medical school to give a full course in medicine and surgery. I will read extracts from the report of that committee:—

Page 6, Paragraph 13.

“In the mind of this Committee there is not the slightest doubt that the time is ripe for the creation of a full-course medical school in West Africa which shall attain to the standard required for eventual recognition by the General Medical Council.”

Page 6, Paragraph 14.

“It is understood that such a school of medicine is greatly desired by responsible African opinion. But not only so, the desirability of it and even the necessity for it have been felt for a considerable time by those responsible for the medical work of British West Africa.”

Page 8, Paragraph 25.

“If students taking a full medical course study together with those aiming only at a lower standard, friction and disciplinary difficulties are inevitable. This has often been

encountered in actual experience in Eastern schools. Moreover, if the school for medical assistants in the Gold Coast is established at Accra as a mere appendage to the College of Medicine for full-course students, it is considered probable, if not certain, that such medical assistants would start their career with an implanted sense of inferiority, and would, owing to the pre-occupation of their instructors with the senior grade of students and to the limitation of their access to clinical material, not enjoy the same opportunities for adequate development as their fellow students at institutions created specially *ad hoc* in the other Colonies."

Page 9, Paragraph 31.

"In the despatch from the Secretary of State referred to above the following statement appears:—

"I desire to make it clear that there is no intention that the training of medical assistants as distinct from qualified medical practitioners, should be undertaken in the Gold Coast alone; there is a crying need for African medical assistants in all the West African Colonies, and while it will always be open to any Colonial Government to send students to the Gold Coast for training, the difficulties in the way of obtaining candidates in the other Colonies who are able and willing to be trained for appointments as medical assistants, will be largely increased if no facilities for local instruction are provided. I have accordingly recently approved a proposal made by the Governor of Nigeria that a school for the training of medical assistants, should be established in the Northern Provinces of Nigeria, and I shall be ready to consider any further schemes of a similar kind whether in Nigeria or elsewhere."

With this the Committee are in full agreement. In the foregoing paragraphs they have demonstrated that combined courses for full-course students and medical assistants are impracticable; they have laid stress on the great value of the role to be played by the Auxiliary Medical Service as an integral part of the machinery for securing the better health of the community; they have indicated that it is a prime necessity for the adequate training of medical assistants that they should have unrestricted access to a sufficiency of clinical material; and they are convinced of the importance of such students learning and working amongst the people of their own country.

For these reasons they are in full concord with the proposal that the training of medical assistants in West Africa cannot be centralised, but that separate schools must be established in the various Colonies. They consider that the need for medical assistants is urgent, and that steps to initiate such schools should be undertaken without delay."

men and why should they be let loose amongst us in Nigeria when they would not be recognised outside Nigeria? I know Your Excellency is a sympathetic man with ample shoulders and, therefore, I appeal to you in the name of the twenty million Nigerians to remedy this situation especially as the dissatisfaction is reaching such a pitch that some of these Medical Assistants are resigning from the profession.

Your Excellency, I wish to speak on the subject of Education. The education of the people is known to be a first duty incumbent on the State and also a duty of paramount importance. We are very grateful to Government for the serious consideration that this matter is now receiving. I want to say, Sir, that the number of school children, or children under school age in Nigeria to-day is approximately eight million. In 1937 the number accommodated in schools throughout Nigeria was about 309,357, and at present it is 350,000. The percentage is only four and a third, that is to say four and a third per cent of school age children in Nigeria are provided for. This is a picture plainly suggesting the ascendancy of illiteracy, and at this rate the future is embarrassing and uncertain. In this department personal emolument has always been in excess of the actual money voted for the education of the people, and, on behalf of the eight million thirsting children and the twenty million Nigeria people, I appeal to you, Sir, for more votes for the education of the people. Comparison made last year showed that in West African colonies, the educational vote *per capita* of school children is thus—

£	s	d	
3	10	10	... Gold Coast,
2	7	3	... Gambia,
2	0	9	... Sierra Leone, and only 11s for Nigeria.

Now, Sir, we are the premier Colony in so many things, particularly in taxation—income tax surtax, excise duty, etc.—so why not be the premier colony in our contribution towards the education of the people. We therefore appeal to this House to do all that is possible to help education. We are very grateful, Sir, for the ten year plan given us by the Government; we embrace it with open arms. We regret, however, that Legislative Council was not taken into confidence before that important scheme was despatched to the Secretary of State for the Colonies, for we had no opportunity of criticising it. We only have meagre information from answers to questions that certain members have asked, but there are many things we do not know. We do not know how much is going to be spent on the scheme for the ten years, we do not know how many of the pupils out of the eight million, aside from the 350,000 already in school, are catered for in this plan. We would be interested in so many other features of the plan, at any rate we hope the time is coming for us to unite together to scrutinise that plan. Your Excellency, last year in the Budget Session I sounded with all the force at my command the trumpet of alarm, warning

up appointment at Ibadan Elementary Centre with high prospects. To-day as then there are enormous attractions and

this house that the unsatisfactory conditions of service were causing teachers to desert the profession; now when the best brains leave, teaching will deteriorate, the standard of efficiency and the education of the country must suffer. Your Excellency, to-day teachers are resigning in large numbers, I submit, Sir, with all due deference, sincerity and humility, for the sake of the good reputation of Your Excellency's regime, for the sake of the Nigerian population, for the sake of the universal cause, which is the extermination of ignorance and the supersession of a well-regulated course of discipline and adequate and virtuous education, that something should be immediately done, something should be radically and urgently done without regard to formalities, red tape and official trammels, to prevent this exodus of teachers. Did you but know, Sir, the tremendous untold sacrifices of some of those teachers, and the proprietors of schools, it would alarm you and move Your Excellency's bowels of mercy. In connection with the report on private schools submitted on the 16th of this month by the Honourable Chief Secretary to the Government, I strongly urge and advocate Sir immediate help. The sufferings of these teachers have reached the highest tension for, to repeat what my Honourable and learned friend Canon Lenon M.B.E. said, we hope the ten year plan will not be a ten year talk, but will materialise soon. I shall read your extracts from communications from one or two principals of schools to show their abject condition—

“ For some time now the Education Department has been making serious attempts to thrust a fatal weapon into the heart of private schools as though it was an offence on the part of any man to undertake to open a private school in Nigeria. And yet, up to the present, neither the Government nor the Mission has been able to cope with the demand for education in the Colony and Protectorate. Surely, if the Government had been able to answer to the people's demand for education, private schools will have very little chance for existence. If the Missionary efforts had been equal to the requirements of the people, private schools would not be able to function. Private efforts in this direction, therefore, serve to supplement the efforts of Government and Missions, and instead of discouraging the efforts of their Proprietors they deserve all praise ”.

His Excellency :

If the Honourable Member is going to develop the question of private schools there is already a motion on the Order of the Day, which he must not anticipate.

The Member for Calabar (The Rev. & Hon. O. Efiang) :

I thank Your Excellency. My reason for reading this extract is just to show the abject condition of some of these schools and the need for their immediate support. Your Excellency, I am not anticipating anything in the Report already laid down. With your permission, Your Excellency, the aim of my petition is to

proportion that war has descended on us like an overwhelming avalanche. It is all meant to check our waywardness.

I pay tribute to the way we are weathering the storm here, and pay copious tribute to the R.A.F. and to our Army on this score. Your Excellency, we realise that the united nations are fighting to overthrow Nazism, fighting to uphold the principles of democracy and maintain the cause of justice and Christian government. So then we Nigerians will strain and sacrifice all to support the cause of this war. In conclusion, Sir, we reassure Your Excellency, we reassure the Imperial Government, the united nations in arms, of our unswerving fidelity and steadfast loyalty and service. Your Excellency, we will go on till Victory is achieved.

The Member for the Egba Division (The Hon. Olaseni Moore) :

Your Excellency, Agricultural Department. It is to be regretted that the Agricultural Officers would not endeavour to be more in touch with our farmers so that they might be able to assist them to solve the numerous problems at present confronting them.

It is gratifying to observe that a sum of £7,000 is being devoted to the development of rice industry. We have several rice growing Centres in this country where machinery for the hulling and preparation of rice may be set up with advantage. There is no doubt that such machinery is required but the right type of machinery is a problem to be solved by experts.

Your Excellency in your address made mention of the potatoes we got from Zaria, the butter from Vom, and cheese from Jos. Your Excellency then referred to the fruit juice and marmalade we got from the Blaize Memorial Institute but Your Excellency has omitted to connect the name of Abeokuta with that institute, that being the country that produced the fruit juice and marmalade from year to year.

It is gratifying to note that provision is made for scholarship for African Students in British Universities. The Memorandum to the Estimates is silent as to what faculty these Students will pursue. I hope some Students may be sent to qualify as Education Officers in order to reduce the large array of European Education Officers. Apart from the savings this will effect to the exchequer, the African Education Officer will naturally be more helpful and sympathetic to the African Students.

I would like to raise a point or two on the Native Courts in Nigeria. The Native Court Ordinance was made for the whole of Nigeria. But there were some very backward Native Administrations and some were very much advanced. The Ordinance made no special provision for the more advanced Native Courts but merely regarded them all as one.

The Ordinance provided for a review of judgment in the Native Courts by Administrative Officers. It very often happened that the Administrative Officer who was to review had little or no

At the time in which I was coming to start this school I had an offer to go to the Gold Coast for a salary around £500 a year. At the same time Mr Hussey, Director of Education, asked me to take

experience of the African and knew little of English law and less of Native custom. He was to review a case decided by a tribunal of ripe experience and the President of which—as at Abeokuta—was a Barrister of many years' standing. Such a system was far from being satisfactory. It would be in the interest of all concerned if Appeal might lie to the Magistrate's or the High Court.

My learned and Honourable friend the Member for the Rivers Division mentioned a case in the Eastern Division where, a marriage having been contracted under the Marriage Ordinance, one of the contracting parties sued for divorce in the Native Court and claimed the return of dowry. A thing like that could never have happened in the Native Courts at Abeokuta.

The Member for the Rivers Division (The Hon. S. B. Rhodes, C.B.E.):

On a point of order Sir, the Honourable Member has got me wrong. What I did say was that the parties were married under the Ordinance, the decree absolute was granted by the Supreme Court, and the husband went to the Native Court after obtaining the decree absolute, and sued for the recovery of his dowry.

The Member for the Egba Division (The Hon. Olaseni Moore):

I stand corrected. Much has been said in favour of the Railway, and I endorse what has been said by my Colleagues. But I have a grievance against the Railway Administration, and as a matter of fact I had asked a question about it sometime ago. Important Railway Stations like Abeokuta and Lafenwa are not provided with lights. Trains arrived at Abeokuta and Lafenwa Stations by 8 or 9 p.m. and passengers had to grope their way in complete darkness. There were lights just before you get to the Station and after leaving the Station but the Station itself was as dark as Erebus.

With the petrol restrictions on the public took very much to travelling by Railway, but in the Abeokuta and Lafenwa Stations, the convenience of passengers was not taken into consideration in that no provision was made for 1st and 2nd Class waiting Rooms. A passenger waiting for the arrival of the train had to loiter in the goods shed or about in the sun.

Sir, another subject I would like to dwell upon is illicit distillation of spirit. I think the Honourable the Comptroller of Customs and the Honourable the Director of Medical Services were both interested, the one as touching the revenue side and the other as affecting the health of the people.

Now, Sir, it is impossible to stop illicit distillation of spirit. It is being done everywhere. I think the Government should be advised to put it under control and collect excise duty thereon. This will be more advantageous and effective.

Sir, I would like to say a word about the Medical Department. The Medical Officers, or rather some of them, are very well paid and in addition they are allowed private practice. At times some

under consideration. I am asking Your Excellency to request the department concerned to expedite this matter. In the budget session of the last year but one—that is on the 17th March, 1941—Your Excellency in his Address said, “The problems of the fishing industry are now being investigated by an officer of the Agricultural Department and funds have been provided in the estimates to enable him to carry out experimental work on methods of fish curing.” In his Address on the 16th of March, 1942, Sir Alan Burns told us that, “The Agricultural Officer in charge of the fishing industry has shown that dried fish of excellent quality can be produced locally without any great capital outlay. The limiting factor at present is the supply of fresh fish.” It will thus be seen that two years have elapsed and we are still in the same position and the fishing industry in this country has not been developed at all. Several attempts have been made independent of the Government. But I think if the Agricultural Department has its full title, it should be styled the Department of Agriculture and Fisheries. Much benefit will be conferred upon the fishermen and the fishing industry, if the department normally concerns itself with the industry and save the present wastage in the fish production of the country. The method of curing fish now in vogue is not healthy and leaves room for improvement which might be done with expert advice and assistance of the Agricultural Department.

Then as far as Your Excellency's Address is concerned, I have nothing to say against it but to commend it to everybody to “read, mark and inwardly digest”.

Now I come to the estimates and particularly the revenue side. I am surprised that our Government, in spite of so many restrictions upon the imports and exports, have been able to maintain a healthy revenue. It is a great credit indeed to the Customs Department as well as the Financial Secretary, but the credit goes even more to the United Nations who were able, in spite of the difficulties and danger at sea, to enable us to maintain contact with the United Kingdom to get our supply of goods in spite of many sufferings and privations which these men of His Majesty's Navy had to undergo during the voyage. I beg to associate myself with all the tributes paid to these men and also to ask that Your Excellency kindly convey our gratitude, through His Majesty's Secretary of State for the Colonies, to these men for their services.

Now, Your Excellency, I come to the Accountant-General's Department. The Accountant-General's Department is one of the departments I wish to see Africanised, because the system of accounting in Government departments has been much simplified by the Financial Instructions, and even if you get an accountant outside Nigeria, whether a chartered accountant or a member of any other body of Accountants and Auditors in England, he will of necessity have to study the Government system of accounting in Nigeria. So that, as far as financial orders are concerned, the law of accounting of Nigeria has been given once and for all and

there is no new method to be introduced into Nigeria. The Accountant-General should make the best use he can of the African staff of his department. It is unpleasant to observe that since our contact with the British Government over eighty years ago the department was not able to produce for the services in the Government departments of Nigeria a sufficient number of suitable Africans with the necessary qualifications to hold the posts of Assistant Accountants. There was a time in Nigeria when the position of Treasurer or the Comptroller of Customs was held by an African. What is needed is nothing more than honesty. Allowing for the necessary educational qualifications, an African who had been trained and passed through all the accounting sections in the Accountant-General's Department ought to be well qualified to hold the position of Assistant Accountant or Accountant. I respectfully say, Sir, that if that has not been done it should be the duty of the Accountant-General to train promising young men with certain educational attainments for this position of trust. At one of the meetings of the Finance Committee the Accountant-General was good enough to explain and reply to certain criticisms levelled against his department. In the course of his explanation he said that out of ninety-five local Treasuries there are no less than seventy-one under the immediate supervision of Africans, and these Africans generally are Chief Clerks or Assistant Chief Clerks. These Africans handle money up to the extent of £20,000, and having not up till now been found wanting they must have been considered to have a sense of duty and responsibility before they were entrusted with the charge of the local Treasuries. The local Treasury is a miniature department within the Accountant-General's Department, because it has to transact business in the same way as the Headquarters would do. All those subsidiary accounts which have to be embodied into the main account will have to be supplied by these local Treasury Assistants, and in some places where there were no banks the species, currency notes and other securities have to be kept in the vaults within the Treasury walls in charge of the local Treasurers. So I respectfully ask that the Accountant-General be asked to give further consideration to the matter and to enable all these people who are deserving to get improved positions. It will, however, sound a little paradoxical that none of these men who have held such positions of trust and responsibility as the local Treasury Assistants is capable of holding the position of an Accountant or Assistant Accountant. My respectful submission is that those who are deserving among them be selected for promotion to the posts of Assistant Accountants which, I understand, are now vacant.

I come to the Audit Department. This is a very useful department, and speaking of that department I have in mind Native Authority accounts. If my information is correct, Sir, I understand the audit of Native Authorities is done by a private company. (His Excellency the Governor: Yes in the Southern

Provinces; in the Northern Provinces by the Audit Department). Thank you Sir. As the salaries for the Native Administration staff are now being revised and better pay is to be given them, I respectfully submit that for the sake of Government policy and economy the auditing of the accounts of the Native Authorities should be done by the Government Audit Department. Whatever be the cost Sir, it is advisable and in the best interests of the Native Administrations that the accounts of these semi-Government departments should not be entrusted for the purpose of auditing into the hands of private individuals or company but should be done by Government servants under the supervision of a Government Department. There are several reasons with which I don't wish to bother this House why the Audit Department, which can do it more effectively, should undertake the auditing of the accounts of all the Native Administrations.

Education. So much has been said by previous speakers that I need say very little about it. All that I wish to say is that I support wholeheartedly the suggestion that more use should be made of the African talents in that department. There is every reason in support of that, and the previous speakers have done their best to marshal all facts and advance arguments in favour of it.

My friend the Member for Calabar seems to lament the fact that Your Excellency did not give us an opportunity of seeing and commenting on the ten-year plan before it is finally settled. I have no doubt that after the necessary consideration has been given to the matter, and all interests have been consulted, we shall have the last say in the matter.

There is one point in Your Excellency's address I would like to mention, and that is the proposed reform in the Town Council. I hope I am not overstepping my boundary or contravening a standing order if I ask that when the time comes to consider the Bill consideration should be given to the grant of franchise to women. The right to vote, or to be elected to the Council, is governed mostly by property qualification, and there are several women in this town who own houses and who pay township or water rates, and there appears to be no substantial reason why they should not enjoy the same liberty as extended to the men. There is no reason whatsoever beyond perhaps personal prejudice. I remember in this House—no doubt Your Excellency will also remember—I moved a motion that women should be allowed to vote in the same way as men, but unfortunately, although the Honourable the Financial Secretary, the Honourable the Chief Secretary, the Honourable the Attorney-General all voted in favour of the motion, I was outvoted by a very narrow margin. So I respectfully submit with all the emphasis at my command that there is no reason whatsoever to exclude women from voting or being voted for.

Now, Sir, before I ask certain questions Sir I want to say one or two words about trade in Nigeria as between small traders. Now

there has been for a long time inter-colonial trade going on between Lagos and Sierra Leone and the Gambia, and much use has been made of the Post Office. Of late the Post Office is very much congested because there has been a lack of shipping accommodation to carry away all the parcels in their possession. Now I think the first duty of the Government is to encourage trade and commerce and this trade has been going on very smoothly. The Comptroller of Customs did not in any way hamper the trade; on the other hand he gladly granted export licences in order to ship these goods to Sierra Leone and the Gambia. I am speaking of the native cloth which native traders sell and most of the trade is done through the Post Office, sometimes as many as 500 parcels are sent to various consignees and sometimes have to pay up to about £300 or £400 for stamps. Of course it proves a good business proposition for the Government but it appears inconvenient to the Post Office, whose officers now propose to discontinue accepting these parcels for shipping for lack of shipping accommodation, and as a matter of fact they are not interested in trade goods passing through the post. Well, Your Excellency, these are very small traders and they have limited means, and unless they are given some encouragement to continue to send their parcels through the post as usual they will be cut off entirely from following their trade. Here I am asking the question whether in the interest of the subjects and trade generally the Government will not intervene on their behalf to persuade the shipping firms to provide shipping accommodation for this inter-colonial parcel trade? I saw the sub-head of the department concerned and spoke to him about it, and he was very kind and sympathetic but told me it was a matter between the Government and the shipping firms. I have mentioned it to my friend on the left, the Honourable the Shipping Member for Lagos, but we have not been able to discuss the matter.

His Honour the Chief Commissioner, Eastern Provinces:

Is the Honourable Member referring only to cloth?

The Second Lagos Member (The Hon. Jibril Martin):

Yes, Sir, the locally woven cloth trade. Well, Your Excellency, there is another point. A section of the traders here is being very hard hit by the new regulation No. 2 of 1943 which was this year passed under the Defence Regulations Act. We have so many restrictions, prices have been controlled even from the source and when I say from the source I mean the mercantile houses. Their prices are being controlled, both retail and wholesale, and these small traders used to get their supplies from those big houses, and if any of the traders happened to buy goods beyond the controlled price, I think it would be his fault to have paid a higher price. Happily the Controller of Prices is very vigilant and has left no stone unturned to trace culprits. The controlled prices are now, I think, well known to the natives, and none of them would like to pay more than the controlled price. Now these

small traders are mostly illiterate, I should hardly call them traders in the real sense, so it would be wrong to control them to the extent which would bring hardship on them. Your Excellency, the definition of trade is set out in regulations 8 and 9. By regulation 8 they had to mark their goods in the shop with prices at which they were offered for sale. If this is not done it is an offence. Regulation 9, they have to keep books of account and records of account. Now here you have illiterate shopkeepers who have never kept any stock books, much less an account book, being required to do all these sorts of things. Now these poor illiterate traders, the prices of whose goods in the shop have been controlled and whose profit is only a bare margin allowing hardly sufficient to keep body and soul together, are now expected to keep records and books of account. By what means can they conform to these regulations? The only means possible is to engage a clerk, and if they engaged a clerk they could not afford to pay and will consequently be faced with the dire necessity of closing their shops. I have no doubt the result will be that they will be driven out of the market altogether.

His Excellency:

A great deal of latitude is allowed on the Appropriation Bill, and anything in the nature of criticism of executive actions of Government Departments I take as coming within the scope of the Appropriation Bill, but how anything under the Defence Regulations affects the Appropriation Bill I find it difficult to understand.

The Second Lagos Member (The Hon. Jibril Martin):

I agree with Your Excellency, but would say, Sir, that these are the people who are paying the taxes and they are entitled to make representations to Your Excellency of their grievances for redress, particularly during the Budget Session.

His Excellency:

There are various ways in our standing orders for that to be done, such as the asking of questions, but I must ask the Honourable Member really to confine himself to the subject a little more relevantly.

The Second Lagos Member (The Hon. Jibril Martin):

Very well, Sir. Now, Your Excellency, the Honourable First Lagos Member made some remarks about the big trading houses. I know there has been a spirit of uneasiness in certain sections, but the remarks were not meant at all to hurt the feelings of anybody. I know the Honourable the First Lagos Member will bear me out on that. As a matter of fact whatever he said he only said in order to introduce certain extracts from the speech made forty years ago by the Honourable Dr O. Johnson and which support the state of things now obtaining in Nigeria. I can assure all the Honourable Members for Commerce that no ill-will is meant or intended to be conveyed by the speech of the First Lagos Member.

On the other hand I would like to take a cue from that speech and ask for more consideration for Africans, because after all you have the Syrian population. As soon as the Syrian came to this country the big trading houses and the banking houses are quite ready and willing to assist them with large credits and overdrafts, and in a short time you find the Syrians accumulating wealth, building luxurious houses and so on. If only the trading houses and banking houses would encourage Africans as they have encouraged the Syrians and other foreign nationals it would be much better for the country. The First Lagos Member has not overlooked the fact that without commerce Nigeria could not live. He has not overlooked the assistance rendered by some trading houses, even to the extent of granting scholarships to our children, for which we are very grateful. Their example is quite sufficient to teach us what combination means and connotes, and if we Africans still shut our eyes to that noble example woe betide us. But the fact still remains that the big trading houses are not helping Africans in the way they ought to, and we are naturally jealous of the help given to the Syrians.

Now about land tenure in Lagos. The Honourable the First Lagos Member mentioned it and I should not like to say much more because on inquiry I found out that steps are being taken to place some Bills before this House, but I had hoped that these Bills will be forthcoming at this Session. The tension is growing more acute day by day in Lagos. In the Supreme Court there are so many cases, and the Judges continue to express the hope that it will please the Legislature one day to pass a legislation on the matter. I think it is a very urgent matter because the tension is indeed high, particularly in respect of land at Ebute Metta. The position as I see it is going from bad to worse. As all of us are well aware the land at Ebute Metta belonged originally to the Oloto family, and a portion of this land was given to Governor Glover by Chief Oloto for the use of Egba refugees.

His Excellency:

I am sorry to interrupt the Honourable Member again, but must call attention to the fact that we are discussing the Appropriation Bill, and this question of land tenure in Lagos is not relevant to the Bill. The Honourable Member can always make an opportunity to mention it by moving a motion, calling for papers, and so on. But this debate cannot really be allowed to degenerate into discussions of every conceivable subject under the sun. We must stick to subjects which at least have some remote relation to the Appropriation Bill.

The Second Lagos Member (The Hon. Jibril Martin):

All right, Sir.

I come now to Cost of Living Allowance for pensioners, Sir. I want to remind Your Excellency that at the first Great War of 1914-1918 a bonus was granted to pensioners and it is for Your Excellency to consider any representations laid before you on this

subject. I associate myself with the remark made in this respect by the First Lagos Member and the Honourable the Member for Calabar.

Now in the case of debt collectors, my friend, the Honourable Member for Calabar has devoted much trouble and pain in order to convince Your Excellency that it is wrong to exclude debt collectors from practising in the Courts as lawyers because they hold Powers of Attorney. Perhaps he does not understand that what he was advocating before the House is that although debt collectors are not lawyers yet they could practice as such if they are armed with Powers of Attorney by some people who invariably reside within the jurisdiction of the Courts and have legitimate grounds for not coming themselves before the Courts. It is inconceivable that any person will go so far as to claim that because a debt collector holds a Power of Attorney he has *ipso facto* a right of audience in the Courts of Justice. The legal practitioners had made representations both to His Honour the Chief Justice and the Honourable the Attorney-General on the matter many years ago—I think about twenty years ago—until at the last moment this year they appreciated the justification of their complaints and His Honour the Chief Justice sent a circular round to stop this illegal practice in our courts. These debt collectors even went to the extent of preparing legal documents and of applying for writs of summons on behalf of their clients. They adopt the same form of letters as the Solicitors. I think it would be in the best interest of my friend, the Honourable Member for Calabar, that this practice was stopped because if he happens to be one of those who entrust debt collection to those people and those people happen to receive the debt and then run away with it, he will come to this House and say, "Would you protect me from the debt collectors?" Many of them have abused their position and the office of the Honourable the Attorney-General, I believe, is full of complaints against their nefarious practices. I think if my friend, the Honourable Member for Calabar, is in possession of all facts about their misdeeds, he will, no doubt, withdraw his remarks.

Your Excellency has told us in Your Address that this is not a valedictory address and that Your Excellency will give us an opportunity of saying what we like when the time comes. I hope Your Excellency is not going to deprive us of our right, or deprive the citizens of Nigeria of their right, to bid you farewell when the time comes for you to give up the reins of the Government of Nigeria.

The Member for the Cameroons (The Hon. J. Manga Williams):

Your Excellency, I bring greetings from the Cameroons. From your Address I note that we have lost our Financial Secretary, Mr Lockhart, and we are expecting to lose two of our Chief Commissioners of the Northern and Eastern Provinces. I associate myself with all the good wishes which have been spoken here. We have been spending a lot of time in hearing

various things about them and I think it would be waste of time for me to add more to those that have already been spoken. We have also been informed that His Excellency is leaving us shortly and may not attend the next Budget Session of this Council. However I do not count them as having left this Colony and Protectorate, but still hope that they will serve as our Ambassadors and plead on our behalf in Europe, because they have been with us and are conversant with our complaints and our general needs and when they shall have to meet and discuss National affairs, I believe that it will be part of their duty to consider our condition and plead for us.

When I was appointed as a member of this Council, I told the Council that I really pledged myself to serve the Government as well as my people and in serving the people I should be allowed to come in contact with the various tribes in the Cameroons Province as up to now I know very little of the people living in the hinterland except the few who come to Victoria. Since the time of my appointment I have been trying to tour the Province so that I might be able to see and talk with the people that I may get at the bottom of their lives and be able to represent them fully, but owing to the condition of the war am unable to do so. I have been prevented through want of transport, economy in petrol etc., from visiting other places except Kumba Station alone. When I visited Kumba last August it was so rainy that I had no chance of going about, although I promised to visit Kumba again I am still told that there is no transport, owing to lack of tyres. I have therefore not been able to go to Bamenda and Mamfe though hoping to go, having once promised to serve humanity I should like to satisfy myself that I have done my duty. In that case I hope Government will do their best to provide transport for me to enable me to go round the Province and study the people and their conditions, which I think by doing so would be valuable to the Government and beneficial to the people if they be well represented at the Council.

I wish to inform Your Excellency about the conditions of farming in Victoria. We are all farmers and are still farming, but surrounded by very big plantations. Now the Native farmers are poor and have to work single handed, while the Plantations are so large and are employing thousands of labourers, who are receiving good wages together with C.O.L.A. The poor individual native farmers are not able to get enough money to pay labourers at the scale they are now paid, so that the farms will be well kept and sufficient crops be reaped to cover the expense and save the rest for their maintenance. The plantation labourers are so wicked in molesting the people by stealing the best part of their crops. As we are now dealing with conditions of living in connection with the war, I think these people should be helped by arranging the prices for their products reasonably, for they produce the food for the employees. They produce Yams, cocoyams, cassava, plantain, maize, corn, beans, potatoes,

vegetables, etc., for the labourers. Now if they are not considered and helped to be paid sufficient money for their products to maintain themselves and their families, also enabling them to pay the necessary school fees for their children, pay their taxes and to defray the expenses of the upkeep of their farms, it means that they are going to be ruined and bankrupt, there will be less production from the farm and people will become poorer. I do not think of any other remedy than that the prices for farm products be better arranged. Some are growing cocoa and I thank the Government for concessions granted the Cameroons for the purchase of their cocoa, although the farms are not in very good conditions and the present price cannot cover the expenditure for the finance of these farms. Even then the people are very grateful for what little they are having. If consideration is taken in the high price of merchandise and imported foodstuff to places like Victoria, and the high cost of labour, it will be quite obvious that the farmers earnings are insufficient to keep them going till the war is over.

On the other hand, we have to deal with the question of land. I remember when I visited Buea the Bakweri Council brought up this question. The Government sold large areas to the plantations in the Victoria and Kumba Divisions. In the Victoria Division the villages are all Native reserves. The inhabitants of these reserves are claiming the right of using their reserves as their own property because they have no where to go and no other land to live by. There is no means of extension. They therefore plead that they be allowed to use it without interference to their benefit. They wish to collect rents from the stranger settlers and to use the rents for their living. They don't mean to sell their lands but mean to receive something for the use of their lands as their natural inheritance.

Referring to Victoria reserve, this embraces hills and valleys and also in some parts of it you find layers of lava from the Volcanic Eruption of the past. Such portions don't grow good crops. We are only trying to do what we can for our living but the land is not quite so fertile as it appears. Where we have fruitful land is Kumba Division, but we do not possess land in Kumba Division. The reserves were made by assessments of the Natives, but as time went on many foreign Natives from French Cameroons and from Nigeria have been encroaching into these reserves and by this influx the reserves are insufficient for the Natives and therefore they consider it just for them to collect rents for the lands occupied by these strangers. They said, they wish me not only to discuss the question with the District Officer and the Resident, but to bring it up before this House. Now all of you are aware of the condition of lands within the Victoria Division.

Now we are under war conditions I do not feel to say I can guess to anybody what the end of this war will be. My belief is that God the Controller of all things will surely show the world

what the end will be, but at the same time I think it wise to bring before Your Excellency as well as before Government through this House that the land question will be one of the most important that should be dealt with after the termination of the war that our district be considered to be given sufficient land. Many of the people like to work and when more land of good soil will be given them, we hope Government will realise that they had the mind to do so.

I also wish to say at times we say this ruler is bad and the other good, while we forget that they are subject to principles and all Government servants are subject to Government principles, compelling them to do what is required under certain conditions. In that case I have to thank you very much for working hard to meet the needs of the Natives and at the same time please the Government.

Well, there is one serious matter I wish to bring before His Honour and that is, after the end of the War of 1914, we were expecting the whole of the Cameroons to be under the British Government. After the war I can remember some Officers who came from Duala invited me to the European Hospital and I was asked whether I preferred the British or the French Government. I told them that I would prefer the British Government. They laughed at me and told me that part of the Cameroons has been given to the French Government. I was sorry and regretted for having revealed my choice and found myself to be a fool. And although I possess a kind of pride within me which would not like to be fooled in that manner, I said might is right and since you have decided nothing can be done. Hereafter when the boundary was to be made we noticed that the Village Mungo was divided and part of it was given to French Government while the other part was on the British side. This village is of one family although they are divided in houses or sub-families.

For instance in the case of the Village Bonabile (William town in Bimbia) the king had two ruling women over the rest. And each was given a name over that house she controls. All other women and slaves and children born in that house are members of that Group and so he had two groups called Bona ebokolo and Bona simuen. Ebokolo a Chief woman over one house and Asimuen another Chief woman over the other house. The Village Mungo is of the same constitution but half of that family has been taken by each Government. No consideration was taken of the happiness of these people. We should therefore bear it in mind that we are having no right of choice. I am expressing this to-day to beg our rulers, in case these boundaries be subject to alteration in future, to think of the feelings of their people, and all who are connected by relationship of tribe and family be placed together and not be divided in such a manner, for in separating a family without sympathy was no better than slavery. After the end of this war I hope it will please God to help our Government to work hard to arrange affairs properly.

I do not think it will be too hard for them, because the happiness we now enjoy is through their skill. After the outbreak of this war, we were in great danger, but by the Grace of God, through the tactics of our political rulers we are quite safe. We are sitting here safe and happy otherwise I would not have had the chance of expressing myself like this and so I believe after the war, it will still be possible for us to hope for better times.

In our District and Division I think it is a good thing if a re-organisation is arranged to allow the people to express themselves freely and that they be given their free will to associate themselves to which group they prefer and be allowed to do so. It makes no difference since we remain loyal to our Government.

Another thing I wish to bring before the Council is this:—We spoke about the lump sum that will be arranged by His Excellency the Governor for each Native Administration to pay to Government. My suggestion to this subject is that after each collection, the total amount will be reported and His Excellency the Governor may then determine the percentage he deems wise to be paid to Government, for at times we collect more and at times less. Many a time we had to touch our little reserve to make up our accounts when we find that our income and vote was short. If the lump sum happens to be about fifty per cent of the collection we may fall too short of our estimates if sufficient money is not collected. Should the amount to be fixed by the Governor be given by percentage it will be easier and more definite so that when we work our estimates and are sure of the balance due the Administration, we may be aware of how much we pay to Government.

One of the Honourable Members mentioned the salaries of chiefs. Of course, chiefs are of different grades. In Nigeria there are very big chiefs and I do not know who are the smaller chiefs. In the Cameroons people like big chiefs are very few, especially now that the re-organisation has brought in so many people who are called Council Members but actually are not chiefs. And as it is known that everybody is aspiring after money, it appears that every individual is looking for what amount of money he can get at the same time not comparing it with their income. In our estimates we know that the Council Members are to get so much, members of Courts so much, Clerks also so much according to their various duties. It might be quite fair if the chiefs were getting two shillings because the income is small. I think it should be left to the discretion of the District Officers who will submit statements of accounts of their own districts and state the proposed salaries for each of those chiefs. I am not against their being paid higher salaries, since I myself would like a higher salary, but at the same time it would be more reasonable if their income affords it.

That the employees are paid more than their masters is true. We must be fair to the employees. These people are clerks. They have been to schools. They are made responsible for money

they collect in Native Courts and Taxes, etc. We are aware that people are to be paid according to their offices and grade of Education and profession and therefore if a clerk is paid £2 monthly and a chief gets two or three shillings for the work he did that month and he complains about it, I do not think it is fair for him to do so.

I do not think it justifiable to reduce the pay of the clerk only to please their masters who are Council Members and chiefs who do less work, but that everybody be paid according to his work.

Some time ago I had a talk with the Resident and I informed him that I have seen a lot of Government and Native Administration Clerks without houses. At times the Native Administration used to pay rent for their clerks and other employees. I thought to bring it before this House that Government should arrange for more houses to be built for Government and Native Administration Clerks. If the houses are concrete houses the tenants will pay rent as those living in the Clerks Quarters are now doing. It would be well if we had sufficient quarters. I hope therefore, that in making our estimates we may think of this.

I also wish to call your attention to the Buea Hospital. We have a Doctor at Victoria which is fourteen miles away from Buea taking the short road and twenty-two miles the long road. There are many plantations in this District. These plantations are large and employ thousands of labourers. Now taking the plantations and the villages and the rest of foreign or strangers settlements there are thousands of people who need a doctor in hundreds of cases.

We are not having a full doctor at Buea, and the assistant doctor who is at Buea, cannot do much through lack of medicine and equipment. No proper hospital has been arranged to accommodate seriously ill patients. It is arranged, I understand, that all seriously ill patients should be taken to Victoria Hospital, but transport is difficult. So many people die of sudden attacks and women die during labour in the Buea District, because there is no transport for them and even if there was one, not all of them would be able to pay the fare. We lack an ambulance specially for the purpose. I thought it would be something worthwhile to bring before Your Excellency to see that the Medical Department arrange a proper hospital in Buea with sufficient nurses for the good of the Native inhabitants and the plantation labourers.

I should like to say something about the Police. At Victoria we are not having sufficient policemen. This I have noticed myself, because at times when I go out in the night alone, in various corners I find no policemen. The few used to be posted in the station where the European houses are while the rest of the other areas are left without police, so that in the night if a thief breaks a house or a bad man assaults someone shouting for a police would be in vain.

We are aware that that the policemen are engaged for the protection of the people and their property and if so we expect

them to protect us. If they are increased in number it would be helpful to the public. The saying goes that prevention is better than cure. I am not in favour of money being spent unnecessarily, but in this case I think it is a necessity. On the other hand, I remember we spoke last about rules for protection of policemen. These men are not to be assaulted or obstructed while officiating which is quite right. But I wish to inform the House that in my presence I saw a policeman assaulting a man, because he suspected the party to have been the one he saw some days past urining in a prohibited area. He failed to arrest him, and having seen him at the Buea Station, he assaulted him by slapping him on the face over and over. I did not interfere but was in doubts that justice would tolerate such action. Again I mentioned a policeman assaulted my own boy without cause. I inquired of him to tell me the crime that the boy had committed, but he failed to do so. I reported the case to the Inspector of Police, who got the boy to point out the man who assaulted him. Having heard no action taken, I gave up the complaint as I officially treat policemen as my children. There was many other things done in the dark and the only thing is that those who see them would be afraid to report and therefore their superiors know very little about them. The public also may not always muster courage to report any ill-treatment by police to avoid malice on prosecution. The public therefore suffers just as though there were no Government working for their safety. I therefore think that rules be made as well for the safeguard of the public from ill-treatment by police.

Houses: I also wish to introduce the question of housing to this House. When I visited Kumba I inspected all of the houses occupied by African Officials, the houses are built of Caraboards and these are easily destroyed by white ants within two or three months. The houses are bad. I approached the District Officer and mentioned the condition of these houses in my report of that special tour and recommended that the walls of those houses be built of mud and thatched roof as the type of houses existing in Balundu District. I recommend that this type of building is better and lasts longer.

I note that it is the same type of building we are having in Lagos and this is just what is wanted. In having the mud walls houses instead of Caraboard they will prove healthier and better for the employees.

As an old servant of the Native Administration I wish also to bring before you the question in connection with Native Marriages and Church Marriages. The Government made a rule if I can well remember, that marriage for which dowry had been paid, should only be blessed by the Church. Many of such marriages are joined again in the Roman Catholic Church and in that case, being bound under the English law of Matrimony the dowry is forfeited.

In the Roman Catholic Church the marriage has to be solemnized and registered. Most of the parties are illiterate. I do not believe that all literate men are civilized. Many literate or educated people are still uncivilized and therefore still retain their primitive customs.

I beg therefore to suggest that to avoid complications it may be ruled that all Native Marriages connected with dowries be exempted from Church Marriage though recognised as legal and such for which no dowry has been paid may be accepted to enter the Church Matrimonial Marriage under the European law. For I know of innumerable cases in which our Natives of the Cameroons claim dowry for the woman when they find that they can no longer live together and that the woman determines to go. Though she cannot be forced to remain with the husband yet the pair separate themselves and since a formal divorce (especially as a rule in the Catholic Church) cannot be obtained it causes great indignation in the husband, who cannot get the wife and is told that his dowry had also been forfeited by the law of English Church Marriage.

Some are led to use violent means in revenge. Many of these parties are illiterate, but there are a great many literate people who also suffer under the same conditions.

Before I came I had a private case sent to me by the Father of the Roman Catholic Mission to do my best in reconciling the man and wife. The family was stressing for the whole dowry and would not let the wife go back to the husband except full balance of dowry was paid. I worked for two or three weeks to see whether I could convince them but in vain, because they could not understand that the English Marriage law disannuls all claims of dowry connected therewith. At Victoria there is a class of people who are giving and receiving daughters into marriage without dowry. These are those whose parents were brought to Victoria by the Baptist Mission and have trained their children under the same condition of civilization.

There is a case of a man who has been deported from Bamenda Division and has been recently sent from Victoria to Onitsha, whose case one Honourable Member has already mentioned. That man wrote me a letter some time ago requesting me to submit his complaint to this Council. As I was expecting to visit Bamenda I postponed the matter till I shall be there to make a thorough inquiry about the matter. Finding that it became impossible for me to go to that part of the country I approached the Resident and while interviewing him, I got to know that his own country people would not like to see him and that if Government left him to live with them they might kill him. I thought then if his own country people would not allow him to live with them and the Government deports him it is part of the salvation of his life. Therefore, his removal from the presence of his enemies is better than allowing him to expose himself till he is killed. Now I received another letter from the same man which reads as follows:—

The Member for the Rivers Division (The Hon. S. B. Rhodes, C.B.E.):

Is there a petition laid before the House in connection with this matter?

His Excellency:

No, there is not. I think the Honourable Member may like to put this before the House according to the Standing Orders.

The Member for the Cameroons (The Hon. J. Manga Williams):

There is another thing that I wish to bring before Your Excellency and that is this: When something new is to be introduced among the Natives, it would be well that the people be fully informed what it is and for what purpose the introduction of that special thing was needful thereby giving them chance to think over it and after thorough digestion they may then give their views.

We were told of the reorganization of our Native Courts and Districts which brought about the appointment of Council Members instead of Village Heads who were then the representatives of these villages and judges in courts.

This change being abruptly introduced caused a rush, as nearly everybody was anxious to become a member. Some of these members have very little knowledge of Native laws and customs and much less discretion in judgment. However they are allowed to sit as judges and also as Members in Council although they actually have very little ideas of political affairs. In working political affairs with unsuitable men creates difficulties and instead of doing good it does bad. Some through misunderstanding give wrong information to the public only because they cannot express themselves properly. In that case, the Group Councils should be authorised to exclude people who are found unfit and such as are detrimental to the Administration, the Group Councils of course to submit their reasons and recommendation to the District Officers who should after his examination approve of the exclusion of the party concerned. Also that in future sufficient time be given the people to make their choice of suitable men for such position.

I have to thank Your Excellency very much for paying attention by listening to the few things I have brought before this Council and I am sorry to say I may not be here when Your Excellency will again meet this Council before leaving. I hope to be present if possible. My hopes and wish will be that Your Excellency will not forget us when you are asked to deal with questions in connection with our Colonial Problems and that you will still seek the welfare of our country.

With these few remarks, Your Excellency, I beg to close.

The Hon. the Director of Public Works:

Your Excellency, I feel it would be wrong of me not to express my appreciation for the kind words said in Your Excellency's Address and by certain Members on the other side of the House

in connection with war work of the Public Works Department, and in connection with this perhaps I may be permitted to include those members of the Royal Engineers and of the Air Ministry's works staff who have been with us to help with such work and who have also done their share. It gives me great satisfaction to know that the efforts of all members of the department have been appreciated, and I can assure you, Sir, these tributes will be passed on to all concerned. For myself, I take this opportunity of expressing my sincere debt of gratitude to all members of the staff for their loyal co-operation.

The Hon. the Director of Agriculture :

Your Excellency, I should like first of all to congratulate the Honourable Member for Ondo on his excellent maiden speech.

After studying the questions on the Questions Paper, and listening to the speeches of the Honourable the Unofficial Members I cannot help feeling, Sir, that a stranger might be forgiven if he left the House with the feeling that the greater part of the population of Nigeria was made up of African Government servants. Well as a matter of fact, Sir, it is not. It is mostly made up of farmers, peasant farmers at that, and it is they who have made Nigeria's greatest contribution to the war effort. As Director of Agriculture I should like to pay tribute to the performance put up by the Nigerian cultivator in the matter of production. It is quite true that we are going to ask for more. We must have more, we have not produced as much as is wanted, but that does not in any way detract from what has been done. The Honourable Member for the Egba Division said he wished that Agricultural Officers would get into closer touch with the farmer and the Member for Ondo stated that he wished for more agricultural officers. These two statements really mean the same thing. There are very few agricultural officers in the country and a very large number of farmers. It is because we have realised this that my department has for many years concentrated on the training of African staff, and I am satisfied that agricultural development in this country will depend to an enormous extent on the African staff. This work—the training of African staff—has not in any way been relaxed as a result of the war.

Two Lagos members both seemed somewhat worried about the fishing industry. Quite frankly I don't know what they expect me to do. I sometimes think that they consider that I should go out in a ship and catch fish myself, but I obviously can't do that. The facts are these. An officer was appointed to work on Fisheries at the beginning of the war in the hope that we might be able to devise a method by which fish could be dried and cured in this climate thus replacing the dried fish formally imported. Captain Dowson was able to work out a method which was perfectly satisfactory and simple and the product gave complete satisfaction to the Army authorities. But the whole trouble was that there was no surplus of fish; in fact subsequent investigation has shown that all over the coast of Nigeria there is a greater

demand than there is a supply. The Government therefore took immediate action and it made a definite offer I think to the Secretary of State that if something could be done to provide a power driven vessel or trawler to go and catch fish, the Nigerian Government would provide a shore establishment. That proposal had to be turned down because it was quite impossible to obtain a suitable vessel. Captain Dowson then turned his attention to the question of trying to improve native methods. This has involved a long investigation into the whole economic life of the fishing people. In the meantime the Colonial Office sent an expert to Sierra Leone to try and develop the fishing industry there. We are actually working in close touch with this expert, a copy of all reports and papers is sent to him, and I have his assurance that the methods which we are using and the information we are collecting are an essential preliminary to drawing up a definite policy in the improvement of the fishing industry.

The Hon. the Director of Marine :

Your Excellency, the Honourable Member for the Ibo Division referred to the closing down of the Government water transport service in the Niger, and stated that it was closed down without due notice being given. On the 17th May, 1925, Government gave notice of its intention to close down the service at the end of 1926 and at the same time sent out a circular letter to each of the principal users of that service, giving them notice of Government's intention, and in fact gave them over eighteen months in which to make other arrangements. The service was closed down because the fleet was worn out and the volume of traffic using the Government service did not justify the expenditure of a sum of £100,000 to replace that fleet. At the present time U.A.C., John Holts, and Elder Dempster are all operating on the Niger, and I think their services are available to private individuals. If the Honourable Member considers that he has a case for the restoration of the Government service on the Niger I suggest he puts his facts before the Resident, Onitsha Province, who will no doubt put up the case to Government.

The next item is the appointment of a Naval Architect, raised by the Third Lagos Member. The Marine Department is fortunate in having an Engineering Officer who is also an efficient Naval Architect. It is most unusual, and these good things do not last long. It is not going to last long in our case because the present Superintendent Engineer will be retiring next year, and it is necessary to look to the future. Marine engineering and naval architecture are separate professions, even though both are taught and learnt in shipbuilding yards. It is our intention, Sir, to build all the vessels we can locally and to employ local labour. To be able to do so efficiently we must have suitable and competent personnel, personnel who have been trained in their profession and are able to teach. I have been concerned for some time about the

construction branch of the Marine Department. Costs of production have been too high, and the output slow. At the same time, I do not blame the employees of the construction plant for that state of affairs. I think the time has come when we must do something to give these employees—nearly 400 of them—someone who is experienced in the duties they are expected to perform. For that reason I reported to Government and asked for a Naval Architect. The post is not new in the Marine Department. The first one was appointed nearly forty years ago under the title of Designer and Builder.

As to the war effort, we do a lot of work, Sir, for the Admiralty and shall continue to do so. The nature of that work cannot be disclosed here for reasons of secrecy, but the Admiralty found it necessary to appoint a Naval Architect of their own to Lagos just three months ago, under the title of Naval Constructor, and they might not have done so if this Government had had a Naval Architect on its staff. I don't know whether it will be possible to go on, Sir, but if we do the Admiralty may take their Naval Constructor away for service elsewhere.

The next thing, Sir, I wish to refer to is the Technical Institute. Much has been said and much has been written about this school. The Member for the Ibo Division referred to the matter yesterday, and I am very pleased to know that his experiences of employees leaving school are the same as ours have been. He says—I think I am correct in saying this—they do not want manual work, they want to be clerks. That, Sir, has been our experience with the majority of these boys. I think it would be to the advantage of these boys if we received help in our efforts to bring them under control and subject to discipline because if they intend to follow the sea as a profession they will have to be disciplined, and if they are not prepared to submit to discipline then we do not want them.

Another point made by the Honourable Member is that the certificates which these boys should be given on passing out should be Board of Trade certificates. I quite agree with that, Sir. I am opposed to a certificate of only local value and I have said so to Government and Government supports my view. A copy of the Syllabus which we follow in the Marine Institute was sent to the Board of Trade and we asked them whether or not they approved of that syllabus and if they would accept it as qualifying service for the Board of Trade examination. They replied to the effect that they did approve that syllabus, but that the qualifying service must be not less than six years as an apprentice and a further two and a half years service, on completion of that apprenticeship, at sea. Well, I have recently been asked in a Petition to hold an examination at the end of five and a half years and grant a certificate of equal validity to the Board of Trade certificate to successful candidates without the sea service qualification. That cannot be done, Sir. If a certificate is to be of the same value as that issued by the Board of Trade, eight and a half

years must be served, including two and a half years sea service. I am fully aware there is a feeling of dissatisfaction among some of the students, but the sooner these students realise that the officers responsible for their training have passed the Board of Trade examinations and hold Board of Trade certificates, and are therefore qualified to teach what is required by the Board of Trade and frame the syllabus, the better it will be for all concerned. I asked one lad whom I interviewed if when he was going to school he was allowed to choose his own syllabus. He replied no. I asked him why he should be allowed to do so in the Marine Institute and he had no answer to that. During the last five years nineteen lads have resigned from the Institute, two because they did not want to go to sea—one lad told me he had received a letter from his father informing him that the ship would go ashore and he would starve to death. Three resigned, Sir, because of a letter from me warning them I was not satisfied with their progress in school and if they did not improve the consequences might be serious. One resigned because his increment was deferred—this because he had not earned the increment. Twelve resigned because they said they were physically unfit or not mechanically minded, they could not stand up to the hard work of the school. Well now, Sir, we cannot make engineers, we can only teach and if the students do not respond to our teaching I am afraid it is not our fault if they fail. Marine engineering means hard work, it is dirty work, but that is the luck of the game, and it is better for those who do not wish to work hard or do not want manual work to take up some profession with less work and more leisure.

Recently, Sir, I received a petition from some of the lads in which they complained that when they went on board ship they did not receive the respect from the Europeans and the Africans that should be given to them as ex-students of a technical institute—not only the European staff, Sir, but their own countrymen did not give them the respect due to them. Now, Sir, that is nothing but snobbery, and the sea has no place for snobs.

As to the products of the Institute, Sir, we have turned out some very good lads. Some went to the P.W.D., and if the Honourable Member for the Ibo Division succeeds in getting an electricity scheme for Onitsha he will probably find a senior African in charge of the Power House who is an ex-student of the Marine Technical Institute. That lad was employed with some of his colleagues from the Institute to assist to construct the extension to the Ijora Power House.

The Institute is also known outside Nigeria, Sir. Some Nigerians have applied to enter Achimota College. They have been informed by the Principal that provided they are otherwise qualified, and can get a certificate from the Marine Department of Nigeria saying they have completed a short course satisfactorily, he will accept them and permit them to enter Achimota College. Another lad from the Institute who had some three and a half years with us went to the United Kingdom and joined the

Royal Air Force last year. The last I heard of him was through one of the local papers. He took first place in the R.A.F. examination, with 100 per cent in maths. We teach maths. in the Technical Institute.

The Honourable Third Lagos Member said he had received a complaint that we do not pay the same salaries as are paid in the technical institutes of other Government Departments. The salaries paid in the Marine Department are those laid down by Government in their circular for all Government Departments. It may be that the complainant felt that he and his colleagues were not getting their double increments so soon as their colleagues in other departments. Well, Sir, Government had laid down that a boy shall get a double increment after the first or second year and accelerated promotion after four years; but he must pass departmental tests. In the Marine Department, these tests are given and we ask for a high percentage of marks—seventy-five per cent—and two lads in their second year succeeded in getting seventy-five per cent; the older lads got around forty. Now, Sir, the Board of Trade requires a minimum of sixty per cent for a pass, and it would be useless for us to pass a boy with forty if the Board of Trade require sixty. It would give them a false sense of security, so we want sixty per cent minimum if these boys want to get double increments or accelerated promotion.

I extend an invitation, Sir, to any responsible person interested in the work of the Marine Institute to come to Apapa and see the workshops and what the lads do. We have nothing to hide. Our desire is to turn out good efficient engineers, but we must have the right material. We want boys prepared to submit to discipline, boys mechanically minded, boys who like their work, otherwise we can do nothing with them and they are of no use to us.

Finally, Sir, I would like to refer to one lad who left the Institute after two years. He was one of the nicest lads that ever entered that school, but he told me he had discovered he was literary and not mechanically minded, and therefore it became necessary for him to leave the school. I told him he was throwing away a good opportunity, but he left at the end of the month, Sir. I got a letter from him later, and with your permission I would like to read one or two sentences from that letter:—

“Permit me to withdraw my resignation which I blindly handed in last month. I regret (as you had said I would) having thrown away a very valuable chance for no reason whatever. It was no doubt a foolish thing that I did, and I am now paying the penalty.

In a nutshell, I had been misled by disgruntled malcontents who biased my mind against the future of the ex-students of the Institute. They drummed into my ears that the Government will leave us adrift after our course. Fear and anxiety drove me to act as I did. These fellows always pretended to be resigning but actually stick in while

their insidious gossips induce other to resign. One of the ex-students spoke to me seriously this week, and disclosed the valuable opportunity I had cast away."

That boy, Sir, suffered the same as some other lads are suffering in the Institute to-day. They are listening to cheap talk from irresponsible persons, and the sooner these boys realise that what is being said by others is being said, not for their advantage, but for the advantage of the people saying it, the better it will be for them.

The Hon. the General Manager of the Railway:

May I express my gratitude to you for your kind references to myself and my fellow railwaymen, Sir, and may I thank the Honourable Members for their kind remarks also. These remarks will be passed on to my fellow railwaymen.

I do not know if I am in order here in saying that there has been a gross breach of privilege. There has appeared in the press an article headed "Railway Civil Servant" on the subject or subjects of a Bill which is before the House. I do not propose to go into details of it—that would be anticipating the Bill—but I took this up immediately on leaving this Council and it transpires that this was put in by an irresponsible member of the Committee of the Association. It has been withdrawn, and as it is a grave affront to the House, I have been asked that I myself shall apologise.

The Honourable Member for the Ibo Division and other Honourable Members mentioned the question of overcrowding and congestion. Well, I am very sorry about it but it cannot be avoided. We have poured forth propaganda trying to explain why you should not travel unless you must. The congestion is caused by troop movements, the details of which, for reasons of security, I cannot give but you can take it from me that we have for long periods on end every single coach in use. It was suggested that the soldiers should be given coaches to themselves. They are always given coaches to themselves when there are organised movements. What we cannot cope with are the inconsequential movements of the soldier on leave, sick leave, etc. We can do nothing about that. If these soldiers are rude and rough—well, that is too bad. We cannot have military pickets on every train.

The Honourable Member for the Colony referred to the ancient and decrepit rolling stock which he had the misfortune to travel on. Again I say it is because we have coaches which are very old indeed still in use that might have been scrapped a long time ago but for the war. With regard to the hardness of the seats, I will spare the Honourable Member the obvious reply save to say that if he wants to carry a cushion we shall not charge him carriage on it!

He also mentioned the question of money for repairs. On page thirty-five of the Railway Estimates you can see in some detail

the money that has been spent on repairs to carriages. If he wishes for further details and gives me notice, I will tell him how many second class carriages there are; what has been done to them and how much they have cost.

The Honourable the First Lagos Member referred to the restoration of the Renewals Fund contributions. I am not very clear as to what proposal he has in mind. Perhaps he will elaborate it in Finance Committee but, in so far as the old contribution is concerned, it used to be £430,000. It was then reduced to £300,000 because the question of contributions to the Renewals Fund is a very contentious subject indeed. I entirely agree with him that if £300,000 was enough two or three years ago it is obvious that it is not enough now with the result that Government has authorised its restoration to £400,000.

The First Lagos Member (The Hon. H. S. A. Thomas):

I said that if it was £430,000 it must be increased because we do not know what the position and prices will be after the war.

The Hon. the General Manager of the Railway:

I suggest that this matter might be discussed in Finance Committee.

He also mentioned the question of training and filling up of European posts by Africans. He mentioned the question of drivers. Well, in 1930-1931 we had one hundred European drivers; in 1939-1940 we had forty-one European drivers and in 1943-1944 we shall have twenty-four European drivers. We have one hundred and eleven African main line drivers, forty-nine suburban drivers, ninety-one shunting and sixty-nine crews training in reserve. I think that is progress. We can say that the policy is being carried out so far as drivers are concerned. In so far as training is concerned, I will say that it is too early to say more than that it has got a good start. We have had seven engineering candidates. Six have passed out and one failed. These six men are out on districts attached to district engineers and we are taking six more. I wish to pay tribute to the Director of Public Works for his assistance in the matter of civil engineering. Without his assistance we should have been able to do nothing. We have a junior scheme whereby when members of the community show promise they are taught the A.B.C. of track work. This also is progressing satisfactorily. We have twenty-four men doing well. Eight of them have finished their practical but have their theoretical shortly. Apprentices: We have a new scheme of lectures for selected men and voluntary lectures for everybody. They are well attended and actually overcrowded. I am advised that there has been very considerable improvement in the general atmosphere since these lectures. Drivers: Training continues as before—there is nothing new in that. Traffic is the most difficult problem. We had to select the twelve best men. Having chosen the twelve men we found that we could not spare them and had to start all over again. We have at last been able to take six men and

their training must start. As for lectures and evening classes, we have followed the training—academic training—by pushing into posts—if necessary even making a job for a man who shows promise. Every man has a trial to see if he is fitted for positions of responsibility. We have one or two like that. Our best man was taken for the Army. But we have got in the stockroom men in training. We are making a third string as it were but we cannot make jobs if we have not the men to put in them.

Thank you, Your Excellency.

The Hon. the Commissioner of Police :

Your Excellency, when I heard that you had been pleased, Sir, to appoint me as an Extraordinary Member of Legislative Council for this Session I looked forward with very great pleasure to taking my seat here. That pleasure, Sir, was greatly heightened by the words you were kind enough to say about the Force in your Address. I beg to thank you, Sir, on behalf of every officer, man and police clerk. I feel sure that they will share with me the feeling of pride which Your Excellency's words have engendered.

The Honourable Member for the Colony raised the question of torches for the rank and file in the Police Force. He said that they went about with empty torch cases. Well, Sir, a few years ago we tried the experiment of supplying the rank and file with torches, provided at Government expense, but that practice was abused and it had to be discontinued. Last year the Finance Committee was good enough to approve of a vote towards the upkeep of the men's own private torches, and every man now who keeps a torch gets, subject to certain conditions which I insist on such as that it is not a toy, and that it is his own torch and not borrowed, the sum of 5s a year. 5s a year doesn't sound much, Sir, but it provides, at the controlled price of batteries, fifteen batteries per annum, and if used economically a man should not be greatly out-of-pocket by the use of his torch if he expends his full 5s on batteries for that torch. If he uses his torch for his own private purposes and thereby exhausts his batteries I am afraid that is his own fault.

The Honourable the First Lagos Member raised the question of rudeness, bad behaviour and incivility by members of the force in Police Stations, and with your permission, Sir, I will combine my answer to that with the question raised by the Honourable Member for the Cameroons.

The Honourable Member for the Rivers Division raised the question of special constables paying for their own kit, raincoats and torches. I hope he did not give the impression which I got at first, which was that all special constables had done this. Actually, in point of fact, he was referring to one particular town, and since then I have made it my business to find out exactly why the special constables in that town did buy their own uniform. I may say the sum of £270 odd has been paid in reimbursement to specials who provided their own kit in 1941, that is, the specials

outside Lagos, as the Lagos men are provided with uniform. This year, or rather in 1942, the sum of £580 odd was paid, and there is provision in the Estimates of next year for the equipment of special constables.

The Honourable Member for the Ibibio Division is, I am afraid, not quite up-to-date in that he asked that two privileges might be accorded to the Force which have already been granted to them by Your Excellency. He raised the question of fifteen days' leave per annum instead of ten days, which ten days has been peculiar to the Police while everyone else had fifteen, and now Your Excellency has approved that the Police should get fifteen days a year the same as anyone else. The other point raised was that when the rank and file go on leave Government should provide for all their transport, for their children as well as for their wives. That also has been approved by Your Excellency.

The question of one-roomed quarters, also raised by the Honourable Member for the Ibibio Division, is one which has our constant attention, and we have already got approved plans for two-roomed quarters for the rank and file, and as money becomes available in the Provinces we are putting up two-roomed quarters for them. I feel sure that some of the Unofficial Members in the Provinces have seen some of the Stations where we have two-roomed quarters.

Then the fourth point made by the Honourable Member for the Ibibio Division was in respect of our present uniform. He says he would prefer the kit worn by the Gold Coast Police. Well, my own view is that, from a practical point of view, there is nothing to beat a pair of shorts, and that slacks or long trousers invariably look untidy; they are certainly not the things to wear for going out on inquiries into the bush. I may say that the rank and file themselves, so far as I am aware, since no representations have been made to me at all, are very happy to have got rid of the thick insanitary blue serge and to have changed it for the cool, hygienic, easily washable khaki. I do not know the general opinion on the Police wearing long trousers and helmets. I can only say, from my own personal point of view, that there is nothing pleases me better than to get out of long trousers and helmet and into my shorts and bush shirt.

The Honourable Member for the Cameroons raised two points. The first was in regard to there not being enough Police in Victoria. That I cannot answer, Sir, without reference to Victoria, but I assure him I will find out exactly what the position is and deal with it. The second point was in regard to a member of the Force flogging somebody. Well, I find it hard to believe that the Honourable Member would stand by and see a policeman flogging a member of the public without doing something about it, because if onlookers do not report such facts, and if the people dealt with in that way do not report them how is this sort of thing ever to come to the notice of anyone who can deal with the man responsible? There are sections in the Police Ordinance which are specifically designed to protect the public, and if cases

of this nature are brought to the notice of a responsible officer I assure Members of the House that the offender will be dealt with. It is realised that the public are likely to suffer; in fact there are two provisions in our Police Ordinance going into such minute matters, and making it an offence punishable with seven days imprisonment or summary dismissal, as for being wanting in civility to a member of the public—that is the actual wording—or failing to attend to a reasonable request of a member of the public. As regards this matter of assault, if it is brought to notice, there is a provision in the Police Ordinance also that if the offence is of such a serious nature that it cannot be departmentally dealt with the offender may be prosecuted in court. I suggest, therefore, to the Honourable Member that the remedy is to report any instance where it is considered the Police have exceeded their powers. If that is done I can assure the House that I and my officers will deal personally with such cases.

Lastly, Sir, I wish to deal with the point raised by the Honourable First Lagos Member in regard to rudeness and bad behaviour by the Police in Police Stations. I have made it a point, Sir, when going round the Provinces, and all my officers have instructions to do the same, to impress on the rank and file that the great thing in their code is "co-operation with the public". They have got to get the respect of the public. In fact, I believe it is said in the Provinces that when a new order goes out from my office there is bound to be something in it about preserving the good name of the Force. Well, Sir, as I say, there are sections in the Police Ordinance to protect the public, and if members of the public suffer at the hands of the Police they have only to report it, because it is only by dealing with offenders within the Force that it can be stamped out. With your permission, Sir, I would like to read a very short extract from a message which I addressed to the Force when I assumed command last year, as it has a very direct bearing on this particular point:—"The good name of the whole Force depends on the work and conduct of each one of its members and the co-operation of the public, so essential to successful Police work, will depend in large measure on the respect the public has for the Force. Cleanliness, smartness, civility, good conduct, prompt attention to complaints and action where necessary, perseverance, hard work, and, above all, integrity, will bring credit to the Force. The reverse will bring discredit and give it a bad name. We must never forget that we are the servants of the public. The Police Force exists for the protection of persons and property and the public expects, and is entitled to, that protection. To establish the Force on a permanently successful basis we need the support of the press and the public".

The Hon. the Acting Director of Education :

Your Excellency, several of the Honourable Members have made reference to the Ten Year Plan for Education, and in your speech you have enumerated the important features of this plan. I feel,

however, that this is not an appropriate moment for me to deal with educational policy, as all Honourable Members are aware that the Director of Education is now in England discussing the Ten Year Plan with the Secretary of State and his advisers. I therefore intend to say no more than is necessary to answer the questions and deal with the points raised by Honourable Members. There are two main features of the plan which should be mentioned as they have been referred to by Honourable Members.

Technical Training.—The Honourable Member for the Ibo Division has pointed out that education tends to breed contempt for manual work, and he has stressed the need of more technical education. On the subject of technical training I should like to say a few words. The Ten Year Plan contains proposals for a Training College for African Instructors; when they are trained centres will be established throughout the country and these centres will meet the needs of a group of schools, so that all the schools in that area, or at least the older pupils in those schools, will have the opportunity of receiving technical training in one of the crafts taught by the centre. Instruction in these centres will be given by Africans who are well qualified not only as craftsmen but also as instructors. I do not wish to say any more about the scheme at present as it is still under consideration.

Girls' Education.—As regards girls education there is a similar plan for a Training College for training instructors in Domestic Science. When the staff is trained, Domestic Science Centres will be established throughout the country and each centre will deal with a group of schools which are not able, or have not the funds, to maintain their own domestic science departments. All the older girls in these group schools will have the opportunity of getting domestic science training.

There is a lot of truth in the statement that the present tendency of education is to provoke contempt for manual work. It is also true that education tends to be too academic. I feel, however, that these are criticisms that have been made regularly by past generations about the youth of the day. Such a remark as, "I don't know what children are coming to, when I was at school things were very different" was quite frequently heard when I was a boy. I do not put this forward as an excuse for the present generation of school children, but I do think that older people are apt to be out of sympathy with the rising generation and that they don't always appreciate the fact that customs are changing the whole time.

I do not know if manners have really got worse in the last few generations, but that is a criticism that one often hears. Such criticisms can, however, do no harm, if they have the effect of encouraging parents to take greater interest in their children's training.

The Honourable the First Lagos Member suggested the answer to his query when he quoted the teacher as saying "I can do nothing without the co-operation of the parents." It is obvious

but also very true that without the co-operation of the parents the teacher cannot succeed in his work. Teachers as a whole do their best, I feel sure, but they need the assistance of the parent. My experience is that the African parent is inclined to be too kind hearted when it comes to a question of discipline, and is only too glad if someone will beg him to be lenient. If Honourable Members feel that discipline in the schools is too lax they should support the teachers and make the parents realise their responsibilities.

Ample provisions for female education have been made in the Ten Year Plan. I am not proposing to go into the details of these proposals now.

Several Honourable Members have mentioned the lack of opportunities for qualified Africans in Commerce. Some have pointed out that the trained African gets discouraged by lack of opportunity to rise to positions of responsibility for which his qualifications should fit him. Another criticism is that there are not enough senior posts for Africans in Government service. In this connexion I should like to point out that there have been several promotions of Africans in the Education Department. It should be remembered, however, that when the question of promotion arises two factors have to be taken into consideration; the first is the academic qualifications of the candidate, and the second the qualifications of personality and character. Academic qualifications alone do not mean that a person is necessarily suitable for a particular post. It does not follow, because a man has gained a degree, that he is suitable for a senior appointment.

Europeans appointed to posts in this country are selected from a large number of candidates, all of whom possess the necessary academic qualifications. In some cases only four per cent of the candidates have been appointed. I think in the same way in the case of Africans a strict selection should be exercised when senior posts are to be filled by eligible Africans. It is quite possible that Honourable Members, now pressing that more senior posts should be filled by Africans forthwith, might regret it if their advice had been accepted too freely and would later wish that more discrimination had been shown. In the Education Department there is no intention of preventing a suitable African from occupying any vacancy for which he is considered suitable.

Another criticism heard was that it was feared that too much money might be spent on European appointments opposed to the African appointments when the Ten Year Plan was implemented. I think that this is an incorrect way of considering the question, as these European appointments will, as time goes on, become available to Africans. Senior appointments are already available for Africans and as more eligible men are available more of these posts will be held by Africans. The new posts that have been asked for in the Ten Year Plan are for the organisation and administration of the service as a whole and will be available for Africans as well as Europeans when suitable men are forthcoming.

The Honourable Member for the Ondo Division complained that his Division was suffering from a lack of Education Officers. This is a common complaint all over the country and I am afraid that at the present time there is no remedy. I hope that provision will be made for a senior grade to which the best African teachers in the department will be appointed, and that these senior African supervising teachers will be able to remedy the present position somewhat. At present there is a shortage of officers in the inspectorate and institutional staff, and I can offer no solution of that problem for the present.

The Honourable Member for Calabar complains that the standard of education in the Government school at Ikot Ekan is not good. I will inquire into the matter.

Another Honourable Member complains about the facilities offered for government scholarships. I think that he said also that everybody who was in a position to do so should be given facilities to go to England to continue his studies. I think that it is hardly necessary to labour this point, as it is realized that only a limited number of passages can be made available in war time, and that the African student can only have his share. This can hardly be considered a matter of primary importance in war time, when there are so many other passengers who are engaged in work for Government, or other essential work, who have great difficulty in getting passages.

The Hon. the Director of Medical Services:

Your Excellency, on behalf of my Department I wish first of all to thank you and Honourable Members for the expressions of appreciation for the work of my staff. I am also grateful to Honourable Members for the kindly way in which they have directed many helpful and thoughtful criticisms to the work of my Department.

The Honourable Member for Ibo raised the question of private practice for Government Medical Officers. That, Sir, as you know and as has been stated by my predecessors in this House, is a privilege, and if that privilege is abused in any way it may, on Your Excellency's authority, be withdrawn either in a particular locality or in the case of an individual. The proper course I think, Sir, in a case where there appears to be justification for such action, is to report the matter to me and I will make my appropriate recommendations.

The Honourable Member for Egba attempted to draw a parallel between legal and medical officers in the matter of private practice. But, Sir, I think the officers of the Crown are in a different position; they are not obliged to give their advice at any hour of the day or night, or render assistance in legal matters to any person who may call upon them, so the parallel I think does not arise.

The Honourable Member for Ibo also mentioned the question of tuberculosis. As you know, Sir, that is a matter which has

been engaging the attention of my department for some time and it is intended, after the war, to make investigations with properly trained staff which will determine the best lines to be taken in this country to mitigate the spread of that disease.

I was extremely pleased to hear from the Honourable Member for the Colony that the efforts of the Medical Officer of Health had improved the quality of his palm wine. At the same time I regret it has cost him more, but the improved wine may no doubt be worth the better price. He also raised the question of investigation into the properties of native medicines. There is something in that, Sir, but I feel the proper persons to undertake such investigations are the large and wealthy commercial firms who at the present time spend large sums of money in elaborate research, and spend large sums of money in sending people across the world to discover new or rediscover old remedies. They have at their disposal the means of obtaining information, and facilities for pharmaceutical research, not normally at the disposal of Government. But as I say, there is something in native remedies, and people in every country in the world have their own favourite and trusted native remedies. The natives in my part of the world—Scotland—put their faith in the old-fashioned remedy of onion gruel for a cold. But the great virtue of these native remedies is not so much, in many cases, their chemical principles; their most potent ingredient, Sir, is faith, and that is a therapeutic agent which cannot be measured or prescribed in accurate doses or analysed in a pharmaceutical laboratory. But still I think some steps might be taken, and I hope some pharmaceutical company will examine some of the more potent native medicines.

I also wish to extend an invitation to the Honourable Member to come and visit the department and see some of its activities, and I promise him safe conduct into the operating theatre and mortuary, and a safe return.

The Honourable Member for the Rivers Division raised the question of the manner in which the staff of this department was shown in the Staff List of the Government. This is not a new arrangement Sir, as the Honourable First Lagos Member almost suggested. It is an arrangement of old standing; it is not an arrangement which is peculiar to Nigeria, the same holds good in the Staff List of the Gold Coast, Sierra Leone and the Gambia. But, Sir, though I am not at all impressed by the arguments which have been brought forward to cite this as a ground for serious grievance on the part of my staff, I would not for a moment raise any objection to any alteration when that can suitably be done in the Staff List, and the introduction of an arrangement which will remove any grounds for dissatisfaction, however nebulous those grounds may be.

I must thank the Member for the Rivers Division for the kindness of his personal reference to myself. I am deeply sensible of the great problems which have to be faced in this country in the matter

of health and medical services, and sensible of the work done by my predecessors and being done by my staff, and I hope that with the friendly and helpful co-operation of the Honourable Members, both official and unofficial, and with their criticism when deserved, my department will be able to concentrate on measures which will be for the real practical good of the country. It is not my place here to make mention of new schemes, but some of them have been referred to indirectly by certain Honourable Members. There are the campaigns against special diseases which are such a scourge in this country, the general sanitary uplift of the people, the development of hospital services, and so on. All these, Sir, have to be considered and brought into their proper perspective and put into effect as they are most needed.

The Honourable First Member for Lagos rather took me aback by the vehemence of his implication of racial discrimination in a department which perhaps has progressed further than any other in the matter of Africanisation of senior posts, but I realise, Sir, that as an old friend of doctors of the Department he is a privileged person. But I would like to advise him that the privileged exchanges between friends, when held in public, are sometimes apt to give a wrong impression, and if there were any foundation for alleging that racial discrimination was rife in the Medical Department it would not be a hopeful augury, I think Sir, for the policy which Government has before it that implications of this sort should be increased in direct proportion to the degree of Africanisation of the service. I think the Honourable Member would be doing a disservice to the policy of Government, which he himself has at heart, to suggest that this is so.

The Honourable Member raised the question of racial discrimination in medical treatment. He alleged that there was no such thing as a European Hospital on the Gold Coast. I regret he has been misinformed. There are European Hospitals in the Gold Coast, as in other colonies. But I wish to assure him, Sir, there is no medical objection whatsoever, and never has been, to treating Africans and Europeans in the same Institution, and I must inform Honourable Members here that our hospital on the Cowrie Creek is at the present moment utterly taxed to its maximum. It is an old and antiquated building, which cannot be extended, and if we are going to open its doors to a larger number of patients we must build a new hospital of which Lagos can be proud, with all modern facilities.

The Honourable Member also referred to the matter of the Staff List, which I have just mentioned, but then went on to the question that no African Medical Officer, despite the fact that there are some with high professional qualifications, had yet been advanced to the rank of Senior Medical Officer. Sir, this is not racial discrimination. There are many European officers in the department with high professional qualifications who have not been promoted to the rank of S.M.O. and never will be. On the other hand there are three specialists, one of whom is an African Medical

Officer, and I think in short, Sir, that the question of promotions is one in which I alone take the responsibility of making recommendations to Your Excellency as to the type of work an officer is best qualified for and I think the matter can be left safely with me to deal with without fear or favour.

The Honourable Member and other Honourable Members spoke at some length on the Yaba graduates. Well, Sir, I have the cause of the Yaba graduates very deeply at heart indeed. If there is one section of my Department which has some experience of discrimination I think perhaps it might be said of the Yaba graduates, and it would be best for the Honourable Member to ask them himself whence that discrimination is chiefly directed. As far as the Department is concerned, it is proud of the capacity of many of these graduates. They are quite capable for the work they have to tackle, and it is quite wrong that any implications whatsoever should be made that, having passed their examinations and done their training of five years, they are not capable and fit practitioners to practice in this country. I do not agree, however, with the Honourable Member that these officers are lowly paid. The Honourable Member knows full well that these young men are educated at the cost of the Nigerian people, and more than that, during their education they are paid a subsistence allowance from the pockets of the Nigerian people. I do not think it is in any way unfair to ask them, as a somewhat small return, to work at a lower rate for some years and reimburse the Nigerian people for the money spent on their education. I think it is wrong to encourage these young men to think they owe nothing to the country which has done so much for them.

Another aspect of the question which has been brought up is that it is an injustice to these men to give them a qualification not recognised in any other country. Well, Sir, at the present stage the Nigerian Government and people are not training doctors to practice in any country but in their own, and I think that is the only thing that matters at present. Later on steps will be taken to develop the school and develop those branches of teaching, such as bio-chemistry which the General Medical Council require to be included in their curriculum, and I have no doubt in due course the diploma of the Medical school will be one which graduates will be proud of, and be able to go to Great Britain and take higher qualifications, but that Sir, cannot be done in a day. But I do plead for prospects for these young men who graduate. If after they have done their five years and proved their worth, if the occasion arises there is no reason why they should not be eligible for promotion to the higher grades. If we hold out some prospect of advancement for these men we will attract the best type of student to the school which will help in its proper and successful development.

I did feel, I must confess, a tinge of resentment when the Honourable Member made his attack on the nurses and midwives in this Department. These people are faithful and hardworking

servants of the public; they work long and irregular hours, their duties are more strenuous and very often much more disagreeable than sitting at a ledger and entering up figures. They are a good and hardworking lot of people. The Director General of the Army Medical Services, speaking of the orderlies whom we trained for the Army, said how impressed he was with their capacity and gift for nursing.

I quite agree, Sir, that certificates and school distinctions, as the Honourable Member says, do not qualify anyone for nursing, but I cannot follow his reasoning when he proceeded further and used the argument in the opposite way with regard to Sanitary Superintendents. He informs us that some years ago the sanitary work of Lagos could not be done without eight Sanitary Superintendents, now it is done with three only and a number of Inspectors of lower grade who help the Chief Sanitary Inspector. Well, Sir, the fact is that when there were eight Sanitary Superintendents employed in this town they were being employed for a special reason, they were fighting that dangerous and serious disease, plague, which was rampant in the town at that time. That work having been done, Government reduced the numbers from eight to three. Now, Sir, the possession of a piece of paper, as in the case of nurses, is not sufficient. A certificate is only one thing that goes to make a Sanitary Superintendent. He is a man of experience, he is experienced not only in sanitary duties, but a large number of them have experience in building trades, they are men who have a craft of their own, they can construct buildings, they can improvise and plan and they have experience in handling labour and in handling all classes of the public, and it is by experience, not by certificate, that the Inspectors of my department will eventually graduate and I hope they will graduate as Sanitary Superintendents in due course, but the possession of a certificate is not the be all and end all for promotion.

The Honourable Member for Egba asked me if I would look into the question of illicit gin and its effects on the body. Well, Sir, I can only say I am afraid my department cannot help effectively in that. I did in the Gold Coast see the stuff that had been made by some prisoners who had been imprisoned for making illicit gin. The alcohol distilled in prison as an experiment was sent to us, analysed in a most careful way, and was found to be absolutely up to British pharmaceutical standards, so I am sure that analysis will not carry us very far in the matter if the illicit gin is being made as it can be made.

The Honourable Member for the Cameroons has made reference to inadequate hospital facilities in Buea. In these days our principal difficulties are lack of equipment and, above all, staff, and I do not think that to be twenty miles away from a hospital in this country is an extraordinary hardship. But I shall bear his observations in mind and I hope before long to visit that country.

I think, Sir, I have no other matters to comment on, and I thank Honourable Members for their general appreciation of the work of my Department.

The Hon. the Commissioner of the Colony :

The Reverend and Honourable Member for the Colony Division referred very kindly to the work of the administrative service in the Colony. One thing which has added greatly to the work of the District Officer at Ikeja and myself has been the very unfortunate necessity for requisitioning considerable areas of land and this has caused a good deal of hardship. I am very glad to say, however, that the vast majority of people have recognised very loyally the necessity for it, which arises purely out of the war, and have made our task very much easier—among them the Honourable Member himself. There have been very few exceptions. I would like to say how much I sympathise with them, and how very grateful I am to these people for their help.

I am sorry that the Honourable Member did not find my answer last year about the Oba Falolu satisfactory because there is very little I can add to it. I do not see how in a municipality like Lagos we can have two statutory authorities. We have the Lagos Town Council and where there is one there cannot be another one. On the other hand, I feel that if the Chiefs could settle some of their differences, which the Honourable the First Lagos Member referred to, and forget their own interests for a short time, they might regain the respect which they held for a great number of years and be a very good and great influence in the town, but at the present moment their unfortunate quarrels are losing them this respect.

The Honourable Member asked for information about markets. I do not think that detailed information about markets would be of great interest to the majority of Honourable Members and I think that if the Honourable Member were to come to my office I could give him all the information he would like. Out of a revenue of £5,000 the expenditure on markets is £4,000.

With reference to the Badagri Road, the Government gave us a grant of £600 which was paid to the Native Administration. In November I cycled over practically the whole length of this road and great improvement has been made. Only some culverts remain which do not require very much work and the Ilaro Division has completed their part of it; and so I hope that this time next year it will be possible for the Honourable Member to drive with me to Badagri from Lagos—if he can get the petrol!

The Honourable Member for the Rivers Division referred to the question of Native Courts. In the Colony a man starting an action has complete freedom of choice as to whether he will go to the Native or Supreme Court. The number going to the Native Courts has been steadily rising while the number going to the

Supreme Court has been steadily going down. This, I think, is a complete answer as to whether Native Courts are wanted in the Colony.

The Honourable the Second Lagos Member referred to a meeting two years ago when he asked for votes for women in Lagos. I then asked for more time to consider the effect of so great a change. Your Excellency left the amendment to a free vote and the Council was good enough to give me, by two votes, the time I asked for. As a result of my experience since then my objections have vanished and when the question next comes before the Council the Honourable Member and I will be voting on the same side.

The Honourable the First and Second Lagos Members both referred to the new price control regulations. They are No. 2 of 1943. I shall be mainly responsible for their administration in Lagos and I shall give every consideration to the points they have made. With regard to petty traders I would invite attention to the definition which excludes any trader whose shop has an annual value of less than £12. I do not know how many petty traders have shops of a greater annual value than this but I do not think that they are very many. The regulations were made to protect the consumer but if there is any case of unnecessary hardship it will receive every consideration. And if in the future I find that the regulations are not working fairly I shall make recommendations to Your Excellency with a view to their amendment.

The Hon. the Attorney-General :

Your Excellency, there are only two or three remarks to which I would refer very briefly, and I am not sure I am justified in referring to them because I think they are beyond the scope of this discussion but having been made it may possibly be thought if I do not refer to them that they have been either ignored or that I do not wish to say anything about them.

The first matter to which I would like to refer is that of letter writers. The Honourable Member for Calabar has pointed out that these men were entitled to pursue their calling and do so in a proper way. The Honourable Second Lagos Member was in the other camp and said they were pursuing their calling in an improper way. I think the idea possibly may be that I should hold the scale between those two, but as I have knowledge that a question has been asked and is to be answered in this Council, it would be improper for me to "anticipate" in any way an answer to that question, and accordingly I am afraid I must say nothing about it.

Another matter referred to is the Tew Report. The Honourable First Lagos Member asked whether that Report could not be published because people wanted to know what was in it and also whether it could not be implemented. He also asked Sir, whether a summary could not be published. The Honourable Second Lagos Member mentioned the fact that there were difficulties at Ebute Metta in respect of certain lands there.

Well, Sir, the First Lagos Member is, or rather was, a member of a small committee which Your Excellency appointed to go into matters raised in this Report. He is therefore aware of all the facts. He is also aware, Sir, that eight Bills have been drafted. I do think that these eight Bills which have been drafted to implement the Report show that the matter is under the active consideration of Government: moreover one of these particular Bills will, I believe, solve the problem that the Second Lagos Member refers to as existing at Ebute Metta. But, Sir, I think it would be a mistake for the substance of the report to be published at this stage. It is quite obvious that when we have to get an expert from England to advise this Government on the question of legislation to untangle some of the technical skeins in the land question it must cut across the interests of certain people, and therefore, Sir, it is much better that nothing should be published on this subject until an official decision is taken.

One other question the Honourable First Lagos Member referred to, but I am not certain if I understood him correctly. I think he said the word "Colony" was being used by people who were referring not to the Colony itself but to other parts of the country. Well, Sir, I would like the Honourable Member to rest assured that while we have no power whatsoever to control the misuse of words by individuals, yet, so far as our legislation is concerned, no mistake is made in that respect. The "Colony" is clearly defined in our legislation to mean the Colony of Lagos, which actually is that little piece of territory from here to the white bridge 19½ miles out and about 60 to 70 miles wide. But "Nigeria" used alone represents the whole country.

Now, Sir, there has been considerable discussion over certain marriages and while I won't delay the Council over this particular matter, I should like members to know that the question raised about these different marriages, and, in connection with that, the subject of wills and administration of property, was all under active consideration of this Government about four years ago, before the war, and the consideration then showed it was a subject teeming with difficulties. The law of Will, the English law of Wills, applies to the whole of Nigeria and has applied since 1914. But thinking, Sir, it might simplify things I drafted a Wills Ordinance to let individuals know the law, and then I found it had stirred up such a hornets nest that there was not a portion of my anatomy not stung.

One other point, Sir, referred to by the First Lagos Member, and that was he alleged the general dissatisfaction caused by military personnel after they had been sentenced in the courts being released by the military authorities. Well, Sir, I would like to know whether my honourable friend made any inquiries whatsoever to find out whether that was actually a fact before making that statement and thus having it broadcast. I see he indicates not. I did not think he could have done. I think it must be due to a misunderstanding. Military subjects are liable

to military law, Sir, and also liable to civil law; when they are sentenced by civil courts they go to a civil prison; when sentenced by military courts they go to a military prison—if there is one. As everybody here knows, our local army has increased tremendously in the last few years, and where before a few lock-ups might suffice they are now quite impossible so that when a prisoner is sentenced in a military court he sometimes has to be put in custody in a civil prison. Now, Sir, in November last year Your Excellency made regulations authorising the military to establish their own prisons, and of course after those prisons were established those military prisoners who were serving short sentences were transferred from the civil prisons to the military. They were not released, and as far as I can ascertain, no single military prisoner has been released from a civil prison if he was convicted by a civil court. Another point. Once a man has been sentenced in a civil court, the only powers that exist for releasing that man from his imprisonment is a superior court on appeal or Your Excellency in the exercise of the Royal Prerogative of mercy when you can order the reduction of a sentence if necessary. The decisions of military courts are likewise subject to review by higher military authority and because of that military prisoners might have been ordered to be released before the expiration of their original sentence.

His Honour the Chief Commissioner, Eastern Provinces :

Your Excellency, before dealing briefly with a few of the more important points affecting provincial administration of the Eastern Provinces, may I say how much I appreciated Your Excellency's kind reference to myself and my impending departure. May I also tender to my friends, the Unofficial Members who paid so many tributes to me, my sincerest thanks. I wish I could have done more during my tenure of office to deserve those tributes, and I am well aware how much I have owed to them, to their good advice and their staunch support, unseen sometimes because exercised in their own constituencies, but effective and most valued. I am much indebted to them. I, for my part, am delighted to be able to congratulate one of them, the Honourable Member for the Rivers Division, on the dual distinction he has recently achieved.

I have been asked by His Honour the Chief Commissioner, Northern Provinces to say how sorry he is to be recalled to Headquarters and unable to speak to you in the same terms, but he very much appreciates the tributes you have paid him.

Turning to the more important aspects of the Debate, the Honourable Member for the Ibibio Division raised, as I anticipated he would, the question of Native Authority COLA. We have done the best we can to fix the rates of N.A. COLA at reasonable levels. It was no easy matter, but we have done our best, and I think there are some amongst those who sit behind him who think we have erred on the side of generosity. I think he is under a misapprehension when he suggests messengers are not eligible.

Any whole time employee of a Native Authority is eligible for COLA. We are putting them on the scales the Chief Commissioners recently approved and they will receive COLA appropriate to that scale and to the grades approved for the area in which they work.

In the matter of Council secretaries, the majority of those gentlemen do not work full time, they work it may be for three or four days a month, and so long as they work only for that period they do not qualify for COLA, but the report of the Carr committee has advised us we should place those men on a daily wage and pay them for the actual work done, leaving them free for the rest of the month, or we should give them other duties so that they carry out full time employment, when they qualify for COLA. We shall adopt one or the other. The question of mission teachers I must leave to the Chief Secretary, but as regards Chiefs' pay in relation to COLA I must heartily agree with the Honourable Member that at first sight it seems unreasonable that the servant should be earning more than his master. But there again it must be borne in mind that the majority of these chiefs work only for a few days a month. They are not whole time workers and they are free to pursue their own avocations in commerce, industry or whatever they do at all times when they are not working in the service of the Native Authority. However, I wish to assure him we are taking careful note of this point and so soon as we have placed Native Authority employees on an agreed scale we shall then review the honorarium paid to every chief and sitting member in the Eastern Provinces and try to bring them into reasonable relation with the basic wage obtaining in the area they reside in.

A second important point, very important particularly in the Eastern Provinces, is the manilla problem. The best brains in the country and all the financial wizards have applied their minds to that problem for fifty years, and at the end the conclusion was reached that Government must adopt a *non-possumus* attitude. That does not get us any further, but it is impossible for us to take any effective step at the present time. We cannot remove the manilla from circulation at a time when we have no transport to handle it and no ships. We should be unwise I think in any case to remove the manilla from circulation when we have not sufficient nickel coinage to take its place, and I feel sure that if the manilla were removed now there would be such a scramble for nickel coins that the wage earner would find the value of his money had depreciated to some extent. The Honourable Member for Calabar suggests we should take an alternative step and permit the Native Authorities to stabilise the manilla at the rate of 12 for 1s. Therefore, if Your Excellency approves, I suggest that in selected areas where we are satisfied that the people in the Native Administration are amenable we should permit the stabilisation by the Native Administration at whatever rate may be agreed to be fair and reasonable between the producer on the one hand and the seller on the other hand. The Attorney-General assures me that legal

effect can be achieved. I am convinced that the market ladies, rather than complain about the manilla rate being less, will take the reasonable precaution of raising their food prices.

A further point of importance to us is production, as we have seen from Your Excellency's Address. In future Administrative Officers will do their best to stimulate production in the provinces. I agree with the Honourable Member for the Rivers Division that we should be more liberal in allocation of petrol for the transport of such produce. We have, perhaps, made a point more of saving petrol than securing produce. We can but acknowledge our responsibility and Transport Officers will do their best to see that sufficient petrol is allocated for the collection of local produce which cannot otherwise be obtained.

The Honourable Members for the Ibo and Calabar Divisions impressed upon us as one local industry the development of the Sawmill industry and asked that a Sawmill might be established. When I saw the Chief Conservator of Forests he informed me he hoped to instal a sawmill at no distant date, but I fear it will not give much satisfaction to the two Honourable Members as I understand it is likely to be situated in the upper reaches of the Cross River.

The Second Lagos Member suggested that the audit by independent firms of Native Authority accounts was less satisfactory than audit by the Government Auditing Department. I am afraid I disagree with him. I find that the firm who undertake our N.A. audit have given us every satisfaction. They go to endless pains to give instructions to our N.A. staff, and, further, I think that the work involved is so heavy that the Audit Department, with its existing demands, would find the burden more than they could carry.

The Honourable Member for the Cameroons Province put forward some points which are of particular interest in view of Your Excellency's impending tour of that area. I am at one with the Honourable Member in hoping that when the war is over Government will review the farming needs of the local population of the Victoria and Kumba Divisions in relation to the needs of the Plantations, and, for what my opinion is worth, I think some adjustment in favour of the farming population will be required. I also sympathise with his desire that the Native Authority should be in a position to regulate settlement by strangers upon the lands of the farm people. That matter has been under active discussion with the Lands Department for more months than I care to remember, but I hope we are nearing the point when a decision can be reached and a simple method of regulating such settlement achieved. I sympathise again with the Honourable Member's strictures upon the housing situation in Victoria, and I respectfully commend the housing system of Government employees to Your Excellency's attention. I think they are deplorable and a disgrace to the Government of Nigeria and a mandated territory,

and I am sure that had it not been for the war the conditions would long since have been remedied.

I think that the Honourable Member is not quite clear about the division of the taxes between Government and Native Authority in the Cameroons Province. Before the tax demand is issued Government will notify the Native Authority of the lump sum in cash which Government will take from the total tax collected. That lump sum will be based on the average of the amounts of tax received by Government in the past three years, and all the money collected over and above that cash demand will accrue to the Native Authority. We think it will make Native Authorities even more eager to collect the tax in full than they are already.

Finally, Sir, I come to the last and, to my mind, most important aspect of the Debate—the progress of Native Authorities in the Eastern Provinces, a matter raised by the Honourable Member for Calabar. He deplored the slow progress made in the field of Native Administration. Well, Sir, I may be optimistic, I may see the Eastern Provinces through rosy and retrospective spectacles, but I do not agree with him. I think that, having regard to the stringencies of war and to the limitations of our staff, it is remarkable that we have not only held the progress made in the past fourteen years, but we have even extended it. The Honourable Member suggests that our chiefs do not know what they are required to do. Well, Sir, the list of their duties seems to be sufficiently clear—the maintenance of law and order, preservation of the peace, administration of justice, administration of local funds, the maintenance of communications and the development of education. That is a formidable list enough I think for any people. Moreover, in some areas the Native Authorities have even extended their activities into new fields. I learnt the other day that the Native Authority in one rather backward area had successfully pegged the price of palm wine, and in large areas of the Onitsha Province they have assisted District Officers to control the prices of foodstuffs at levels twenty-five per cent above the price obtaining before the war. I consider they have ample to do and are doing their best to carry out their duties, but I am sure when normal conditions return, and the Native Authority has a fair chance, when they have the raw materials again that they need, and when they can receive the supervision from administrative officers which is essential, then I think their progress will be rapid. The sturdy and independent Ibo, the industrious Ibibio, the enlightened Efik, the remote Cameroons—all these people and many more whom I have not named, they have within them qualities of which any race may well be proud, and I am sure if they can only adapt themselves to a system of leadership so that their people will give willing support to the best men, and the best men will work in the interests of the community and not for personal gain, then the development of Native Authorities in the Eastern Provinces will surprise us all.

His Honour the Chief Commissioner, Western Provinces :

Your Excellency, if I am not too late I should like to associate myself with the remarks which have been made by the Honourable Unofficial Members of this House about my colleagues from Kaduna and Enugu who are about to retire. I do not propose to add another bouquet to those that have been so gracefully thrown at them during the last day or two but I should just like to say that personally and officially I shall miss them very much indeed. I wish them a happy retirement and long may they live to draw their pensions from the Nigerian Government!

I should like to thank the Honourable Member for the Colony Division for the suggestion he made that the presentation of the insignia of the Order which His Majesty the King has been pleased to bestow on the Oni of Ife should be made here in Lagos. I am sure the Oni will very much appreciate the thought and feeling which prompted that suggestion but I am afraid the Honourable Member will be disappointed to learn that I have forestalled him and secured Your Excellency's consent to make the presentation at Ife. This meets the express wish of the Oni and all his people and I think that in this particular case of the Oni who is regarded as the spiritual head of the Yoruba people it is only fitting and proper that the presentation should be made at Ife, which is regarded as the cradle of the Yoruba race. I hope that the Honourable Member and any of our Lagos friends who are able to make the journey will come and assist at the ceremony. I am sure the General Manager of the Railway will do his best to run a special train for the purpose!

Mention was made, Sir, by a number of Honourable Members of the matter of Chiefs' salaries. The principles regarding the remuneration of Chiefs and their staffs were laid down by Lord Lugard in his political memoranda and these principles have, generally speaking, governed our practice in the Western Provinces. In determining this matter it is not merely a question of the means of the Chief or of the position that he is expected to keep up, though consideration is given to this point. The governing factors are the duties and responsibilities of the post, the volume of work performed or to be performed and the amount of tax collected in the area concerned. Our rule has been to fix the remuneration of Chiefs and their staffs at a percentage of the tax collected. In the case of the most important Chiefs the figure represents a maximum not exceeding twenty-five per cent of the tax collected and in the case of the less-important Chiefs the figures vary up to a maximum of fifteen per cent of the tax collected. These principles are eminently sound and I think that the percentages that we have allowed are fair and reasonable, particularly having regard to the commitments and obligations of the Native Administrations in respect of the provision and maintenance of public services and the undertaking of welfare and development work. In some cases in the past where we have not followed these principles the effect has been unfortunate and

there are cases in which the Native Administration finds itself to be heavily overburdened with salaries and with completely inadequate funds at its disposal for development purposes. I shall be very pleased to lend a sympathetic ear in cases where it is possible to put up proposals for adjusting salaries on a more equitable basis than at present, within the total sum allocated for the purpose. I shall be very glad indeed to give consideration to such proposals but I should be opposed to throwing over the principles which I feel we must observe in considering this matter. One point occurs to me which has been mentioned by His Honour the Chief Commissioner of the Eastern Provinces and also by the Honourable Member for the Cameroons. In certain cases the salaries of Chiefs do sound small but, before we condemn them, we must enquire what duties they perform and I think in a number of cases it will be found that the duties consist merely of attendance at one or two Council Meetings in the course of a month and supervision of the tax collection and that in such cases their remuneration is in fact at a rate of pay which compares very favourably with the rates drawn by clerical and other Native Administration employees.

The Honourable Member for the Ijebu Division mentioned the matter of the Lagos-Ijebu road. The reply which has been given to Question 45 indicates the present position of that matter and I have nothing further to add to it at the moment.

The same Honourable Member also raised the matter of the Odemo Chieftaincy dispute. That matter is dealt with in the reply given to question 41, but perhaps it will help the Honourable Member to appreciate the position if I explain that Government's attitude in this matter is that the selection of a Chief should be made in accordance with the Native Customs prevailing in the district, by the people who are entitled by custom to make that selection. Once a selection has been made and Government is satisfied that it has been duly and properly made in accordance with Native Custom and that the choice of the selectors has the approval of the bulk of responsible public opinion, then Government accords recognition to the candidate selected. In this particular case, on the evidence so far before me, I am not satisfied that the necessary conditions have been fulfilled and I am not prepared to grant recognition to either of the candidates who have been put forward.

I should like if I may to congratulate the Honourable Member for the Ondo Division on his maiden speech and to welcome him as a friend and as Chief Commissioner of the Western Provinces on his first appearance in this Council Chamber. He, as well as the Honourable Member for the Ijebu Division, touched on the matter of the Native Administration Police. Well, I quite agree with them that the Native Administration Police are not by any means entirely satisfactory. I go further and say there is plenty of room for improvement. Do not think we have done nothing in the matter, however, for over three years ago we had plans drawn up.

for the establishment of a training school for Native Administration Police at Ibadan on the lines of the Nigeria Police Training School at Enugu but the war, I am afraid, compelled us to put this into cold storage. However, my honourable friend, the Commissioner of Police, has very kindly come to our assistance and he has put at our disposal some of the facilities of his training depot at Enugu. He is able to provide a three-months course, but can only admit twenty-five of our Native Administration police at a time. This is not a very large number and it will take us some considerable time before at that rate we can get all our Native Administration forces decently trained, but it is something, and we must be content with that, for the present. I am very grateful indeed to the Commissioner of Police for his assistance in this and in other ways. His officers are helping us in large stations where there are detachments of Nigeria Police; these work together with Native Administration forces who receive personal instruction and guidance and operate in company with the Nigerian detachments.

The Honourable Member for the Egba Division raised the point about the Native Courts at Abeokuta. I think he rather exaggerated the difficulty. I gather that it was not thought desirable that an aggrieved party should apply for a review to a District Officer who perhaps was not thought to have sufficient experience. Well, that may be so, but if he doesn't like the District Officer he has an alternative at his disposal. There is the alternative of appeal, and if my memory serves me aright, the channel of appeal in the Egba Division is *via* Ake "A" Court to the High Court, so he should get satisfaction.

The last point I wish to touch on is that of the Audit, and I endorse the remarks which my colleague from Enugu has made on that subject. The private firm which undertakes the audit of Native Authority Treasuries have given complete satisfaction, and I have been very impressed by the care they take to assist and instruct our Native Treasury staffs in their duty and in overcoming their difficulties.

The Hon. the Chief Secretary to the Government :

Your Excellency, practically every point made on the unofficial side of the House has been clearly and fully dealt with by my colleagues on the official side, and it leaves me very little to say in reply.

First of all, Sir, I would ask your permission to refer to a matter which has been mentioned more than once in the Council during the course of the last two days' debate and which Your Excellency said was not really relevant to the Appropriation Bill. That is a matter concerning a Court case in which the Honourable Member for Calabar was involved. I think it is only fair to the Honourable Member Sir, and to Government, that such a statement should be made, and I will therefore ask Your Excellency's permission to

make it. Government deeply regrets the whole incident, and assures the Honourable Member concerned, and those connected with him in the case, that it has in no way whatsoever affected the high esteem in which they are held both by the Government and by the general public. The Government cannot admit that there was an official blunder, warranting the payment of compensation. Owing to a mistake for which no Government official was in any way responsible, there was *prima facie* evidence that an offence had been committed. Had the persons concerned given their version to the police during the police investigation the matter would have ended there, and it is to be regretted that the Honourable Member, when about to adopt this course, changed his mind. A criminal summons instead of a warrant was in fact first issued and it was only after it appeared that the summons was not being served that the High Court Judge at Calabar himself, acting in his judicial capacity, directed that a warrant should issue. It would therefore be highly improper, as learned members will at once admit, for the executive authority to comment on that decision.

The next point, Sir, I see on my notes is a remark made by the Honourable Member for the Ibo Division concerning complaints made by members, or ex-members, of the Survey Department that when they have retired, if they wish to practice as Surveyors, they must sit an examination as licensed surveyors. Now the remedy lies entirely within their own powers. They are permitted to sit that examination at any time during their service with the department; if they do not choose to avail themselves of that privilege during their service, and then retire, they have only themselves to blame.

The Honourable First Lagos Member also referred to the Survey Department and said that more increments were stopped there, and it was more difficult to get an increment, than in any other department. I am sure it is not necessary for me to remind Honourable Members of this House, particularly the Honourable First Lagos Member, that increments are not a right, are not granted automatically, and they depend on the officer concerned discharging his duties with efficiency, diligence and fidelity. And if it happens that the officers in one particular department fall down on either of those three points, they cannot expect to get their increments. In other words, the remedy lies entirely within their own hands.

I was somewhat surprised, Sir, that the Honourable Member for the Ibo Division should take up the cudgels on behalf of a man against whom a Restriction Order had to be made for his anti-British activities, but I was very glad when the Honourable Member for the Cameroons said that this man, who had lived in the Cameroons, was not liked by his people and that were he to live in his own country they would probably kill him. Therefore I

should think he should be grateful to Government for serving him with a Restriction Order requiring him to live outside his own territory.

The Honourable Member for the Colony Division said that it would be a good thing if Unofficial Members of Council were enabled to go round the departments accompanied by a cicerone to see how they work, and in their replies certain of the heads of departments have extended to Unofficial Members an invitation. I myself have spoken to the Information Officer on the subject, and we agreed it would be a good thing if tours could possibly be arranged, and I would suggest that this be done either before or after the next Council. I am afraid time will not permit of it being done this Session. But I would draw the attention of Honourable Members to the use of the word 'cicerone'. I looked it up in the Oxford Dictionary yesterday and I see that it is defined as "a guide who understands and explains antiquities", and I might say, Sir, that the heads of our departments have not yet reached the stage of antiquities!

He also referred, Sir, to the news-sheet, the *Nigeria Review*, of which only three columns were given to the vernacular. The Information Officer assures me that with so much material to go into the *Nigeria Review* it would be very difficult to give more space to the vernacular, and he also says that the number of persons who can read the vernacular is not as great as might be expected, but he is going to issue more pamphlets in the vernacular; he will also see that publicity is given to the trade definition of 'Black Market'.

I come now, Sir, to COLA for pensioners. I regret as much as do those Honourable Members who raised the point, that no decision has yet been taken on this matter, but I am sure they will appreciate the position that it affects not only this country, not only the other West African Colonies, but every Colony, and the Secretary of State for the Colonies has the matter under consideration and has recently been in communication with this Government and our sister colonies along the Coast.

That takes me, Sir, to the question of COLA for Mission Teachers which was raised by the Honourable Member for the Ibibio Division. I would draw his attention to the resolution that was passed by this House last September regarding the payment of COLA to Mission Teachers. That resolution was only passed after it had been referred to a select committee of this House, which consisted of all Unofficial Members and one or two Officials. The relevant paragraph of the resolution reads as follows:—

"the payment by Government, at an estimated cost of £80,000 per annum, of Cost of Living Allowances to certificated and uncertificated teachers in all schools, assisted and unassisted, of Missions on the Grant-in-aid list, but, in the case of non-Mission schools, only to those which were approved for the purpose of the distribution of

the £26,000 grant, at the same rates as the rates paid by Native Administrations to their employees, except in those urban areas where there are no Native Administration employees, the rates here to be the same as the Government rates; the rates for probationary teachers to be on a lower scale, with effect from the 1st of October, 1941."

Now the reason for that is quite clear, that Mission teachers are not Government employees. The COLA award that was given for Mission teachers was not paid by Government to Mission teachers. It was given to the Missions to assist them to pay COLA. There is also the point that Government teachers are liable to be transferred anywhere within the country, whereas in the case of Missions their schools are in most cases in certain areas of the country so that, generally speaking, the teachers are living near their homes. So I do not think, Sir, that any case has been made out for altering the decision of this Council of last September concerning the payment of COLA to Mission teachers.

The Honourable First Lagos Member attacked the big firms and the profits they made. He was suitably replied to by the Honourable Commercial Member for Kano, but I should, Sir, like to read a short extract from Your Excellency's Address to this Council last September, in which Your Excellency said—

"And now to turn to the British merchants. They have been openly described by the newspaper making these suggestions as profiteers. On their behalf I take the stongest exception to the use of this term. Such profiteering as is taking place in Nigeria is *not* being indulged in by the British firms. It does not seem to be generally realised that in regard to their export trade their profits are, with the exception of a very few articles, strictly controlled. They are, in fact, buying for His Majesty's Government on the basis of a fixed commission."

The Honourable First Lagos Member complained of the delay in the publication of Hansard. I agree there has been a considerable delay, but it will be recollected that about a year ago a decision was taken that publication should be suspended for the duration of the war. That decision was subsequently reversed, but of course during the months it was held there should be no publication nothing was done, and there was that delay. At present the March, 1941 debates are being bound and will be available shortly, those for June, 1941, are printed and will also be available shortly. Regarding September, no action regarding the actual printing of this has yet been taken, but as soon as Council has risen at the end of the Session I am going to discuss with the Government Printer to see what can be done. I am sure it will be appreciated by Honourable Members that there must be certain prior work that must receive attention first in the Printing Department.

Reference was made, Sir, by the Honourable Third Lagos Member that there were no African members on the Supply Board. Of course the use of the word 'Board' is entirely wrong; it should really be Supply Department. It is a Government Department; there is, as liaison officer, a member or a representative of the A.W.A.M., but he is an A.W.A.M. man, he merely acts as liaison officer between the A.W.A.M. and the department.

The Honourable Second Lagos Member spoke, amongst other matters, on the difficulties of shipping cloth to our sister colonies along the coast. I am sure he will appreciate that as he only made this remark this morning I have not yet had time to go into the matter, but I shall do so.

That is all I wish to say.

His Excellency:

Before I call upon the Honourable Acting Financial Secretary for his reply there are three short observations that I should like to make. The first is on a matter of procedure. As Honourable Members know, I always allow a great deal of latitude, and interpret the term "relevant" very loosely, during the second reading of the Appropriation Bill. I permit as relevant any criticism of Governmental or Departmental policy or procedure. I am afraid that this time I have been almost too lenient, and should like to call the attention of Honourable Members to the three methods of securing information, redressing grievances, or discussing questions of importance, which are provided for in our standing orders, and to suggest that it is better to use one of these methods rather than to raise a discussion, during the second reading of the budget, on matters which quite clearly have no financial implication whatsoever. The obvious method of obtaining information is to ask a question, asking for an oral answer if necessary. The best method of airing a local grievance is by way of petition. Finally, if it is desired to obtain very detailed information, or to have a public discussion of any question, there is the normal method of giving notice of a motion calling for papers.

The other two observations I wish to make arise out of the very excellent speech of the Honourable the Third Lagos Member. He expressed some scepticism as to whether the promised grants for Colonial Development after the War would eventuate. I can assure him that if he had studied as carefully as I have the reports of recent debates in the House of Commons and the House of Lords (and, incidentally there has been a member of each of those Houses in this Chamber to-day) he would have realised that there is no ground whatever for such scepticism. Those debates show very clearly that members of all parties in both Houses are determined that there shall be greatly increased expenditure on Colonial Development, and the only criticisms of the Colonial Development and Welfare Act that have been made are that

it is not sufficiently wide and that £5,000,000 a year is not enough. But I fully agree with the Honourable Member that we must not be entirely dependent on the British taxpayer, but must do what we can to help ourselves. I do not, however, agree with him that we should set aside some of our present surplus balances for development schemes. Nigeria is an agricultural country, and as such will always be liable to steep fluctuations of revenue. We must be in a position to "live on our own fat" if we strike a series of lean years, as we have in fact done recently, and at present we have not accumulated sufficient adipose tissue to enable us to do so. The Government has always considered that it should aim at having surplus balances of three million pounds, including the £500,000 special reserve, and we do not expect to have as much as that by the end of the next financial year.

The third observation I have to make is in respect of constitutional reforms. The Honourable Member was disappointed because I have been able to make no announcement on this subject at this session. I cannot produce constitutional reforms as a conjurer produces rabbits out of a top-hat. The reform of this Legislature is a matter that needs much thought, much research, and a good deal of discussion. I can, however, promise this House that, before I leave, I will send home proposals to the Secretary of State. It will then be for him to decide by what method he will consult public opinion in this country. For I can assure you that no reforms will be introduced until every shade of opinion in this country has had a full opportunity of saying what it thinks about them.

The Hon. the Acting Financial Secretary :

If I may be allowed to say so, I have felt myself very much in the position of one who, having been invited to a gargantuan banquet, has spent three days in listening to a discussion of the menu. Of course, such a discussion is but natural, but members will now be glad to get down to the solid fare. But I now find myself in a somewhat difficult position. I had made notes of some general matters to clear up in my reply, but Your Excellency has dealt with three of these matters.

I would, however, mention one matter which three Honourable Members have dealt with. It was in connection with, perhaps, the only department which got no pat on the back, but serious criticism. I refer to the Accountant-General's Department. There is a slight difference of recollection of what precisely was said on a certain occasion. I do not, of course, wish to suggest that my recollection is better than that of the other members. There was no suggestion that there was not, in the Accountant-General's Department, competent African staff for certain posts. What was said was that there were no *experienced* officers for certain new duties and that Your Excellency had addressed the Secretary of State for the Colonies to ask him to get experienced officers. That means to say that there were no experienced officers either amongst

Africans or Europeans in the country. I have myself turned up the Finance Committee minute which was written in this connection. This was the essence of the matter. The actual word used in the telegram was "experienced"—"must be experienced". That is the test—experience. I should like to express complete disagreement with the Honourable the Second Lagos Member. He said, if I have remembered him correctly, ". . . or the essential quality of honesty". I think he is mixing up the qualifications of a cashier with those of an accountant. Honesty is required in all public services but it is not more essential than in other fields. Accounting requires experience—the more experience a man has the better Accountant he is.

My Honourable colleague the Chief Commissioner for the Eastern Provinces has dealt fully with the question of the manilla, and I must say that I was very much convinced by his arguments. I took immediate steps to see whether, after further inquiry, we could not do anything about these manillas. There are two difficulties—that there may be insufficient currency to do the work of the withdrawn manillas and that it may be difficult to overcome the local prejudice in favour of their circulation. The Honourable Member for the Rivers Division told us of an official whose servant could buy nothing because he was not provided with manillas. Logically, therefore, the withdrawal of all manillas would deprive everyone of their ability to purchase.

There is only one more point I would make. Some very nice things have been said about the financial officers and the collectors of revenue—particularly about the Comptroller of Customs and Excise. The Comptroller of Customs very much appreciates them and we, too, appreciate his services very much. As the Honourable the First Lagos Member has said, it is not possible for this Council to increase the salaries of its senior officers. As he says, it must be for the Government to suggest what the salaries of officers should be. This House is never in possession of all the facts which affect the grading of posts and in these circumstances it would be most inadvisable for this House to increase the salaries of any senior officers. The suggestion which has been made that the salary of the Comptroller should be increased because he has collected more revenue would introduce a principle which might have unfortunate repercussions on the salaries of those members who are not concerned in revenue collection or responsible for but small amounts. To suggest that quantum of collection was a factor in remuneration would be to return to the principles which governed the financial arrangements of St. Matthew with Pontius Pilate—a somewhat ancient and unfortunate precedent.

Sir, I beg to move.

The Hon. the Comptroller of Customs and Excise :

I beg to second.

Bill read a second time.

The Hon. the Acting Financial Secretary :

Sir, I beg to move that the 1943-44 Appropriation Ordinance, 1943, be committed to a Select Committee consisting of the members of the Standing Committee on Finance.

Bill committed to Select Committee.

Council adjourned at 6.25 p.m.

Debates in the Legislative Council of Nigeria

Thursday, 25th March, 1943

Pursuant to notice the Honourable the Members of the
Legislative Council met in the Council Chamber, Lagos,
at 2.30 p.m. on Thursday, the 25th of March, 1943.

PRESENT

OFFICIALS

- The Governor,
His Excellency, Sir Bernard Bourdillon, G.C.M.G., K.B.E.
- The Chief Secretary to the Government,
The Honourable A. W. G. H. Grantham, C.M.G.
- The Chief Commissioner, Northern Provinces,
His Honour Sir Theodore Adams, Kt., C.M.G.
- The Chief Commissioner, Western Provinces,
His Honour G. C. Whiteley, C.M.G.
- The Chief Commissioner, Eastern Provinces,
His Honour G. G. Shute, C.M.G.
- The Attorney-General,
The Honourable H. C. F. Cox, K.C.
- The Acting Financial Secretary,
The Honourable C. Watts.
- The Director of Medical Services,
Dr. the Honourable J. W. P. Harkness, C.M.G., O.B.E.
- The Acting Director of Education,
The Honourable C. R. Butler, O.B.E.
- The Director of Marine,
Commander the Honourable A. V. P. Ivey, C.B.E., R.D., R.N.R.
- The Comptroller of Customs and Excise,
The Honourable A. E. V. Barton, C.B.E.
- The Deputy Chief Secretary,
The Honourable T. Hoskyns-Abraham, C.M.G.
- The Senior Resident, Oyo Province,
The Honourable H. F. M. White, C.M.G.
- The General Manager, Nigerian Railway,
The Honourable C. E. Rooke.
- The Director of Public Works,
The Honourable S. J. W. Gooch.
- The Director of Agriculture,
Captain the Honourable J. R. Mackie, C.M.G.
- The Honourable W. C. C. King,
Commissioner of Police (Extraordinary Member).
- The Honourable G. L. Howe,
Solicitor-General (Extraordinary Member).

- The Honourable E. C. Crewe,
Postmaster-General (Extraordinary Member).
The Honourable E. A. Miller,
Commissioner of Labour (Extraordinary Member).
The Honourable G. B. Williams, M.C.
Commissioner of the Colony (Extraordinary Member).

ABSENT

- The Senior Resident, Plateau Province,
The Honourable E. S. Pembleton, C.M.G.
The Senior Resident, Kano Province,
The Honourable J. R. Patterson, C.M.G.
The Senior Resident, Sokoto Province,
Comdr. the Honourable J. H. Carrow, D.S.C., R.N. (rtd.)
The Resident, Benue Province,
The Honourable D. M. H. Beck, M.C.
The Resident, Katsina Province,
The Honourable R. L. Payne.
The Resident, Zaria Province,
The Honourable F. M. Noad.
The Resident, Onitsha Province,
The Honourable D. P. J. O'Connor, M.C.
The Resident, Calabar Province,
Major the Honourable H. P. James.
The Resident, Ondo Province,
Major the Honourable J. Wann.

UNOFFICIAL MEMBERS

- The Member for the Ibo Division,
The Honourable B. O. -E. Amobi.
The Member for the Rivers Division,
The Honourable S. B. Rhodes, C.B.E.
The Member for Calabar,
The Rev. and Honourable O. Efiang.
The Member for the Ibibio Division,
The Honourable N. Essien.
The Member for the Ijebu Division,
Dr. the Honourable N. T. Olusoga.
The First Lagos Member,
The Honourable H. S. A. Thomas.
The Commercial Member for Kano,
The Honourable W. T. G. Gates.
The Second Lagos Member,
The Honourable Jibril Martin.
The Commercial Member for Lagos,
The Honourable J. F. Winter.
The Third Lagos Member,
The Honourable Ernest Ikoli.
The Member for Shipping,
The Honourable G. H. Avezathé.
The Member for the Colony Division,
The Rev. and Honourable T. A. J. Ogunbiyi.
The Member for the Egba Division,
The Honourable Olaseni Moore.
The Member for the Cameroons Division,
The Honourable J. Manga Williams.

The Commercial Member for Calabar,
The Honourable W. V. Wootton.
The Member for the Ondo Division,
The Rev. and Honourable Cannon L. A. Lennon, M.B.E.
The Commercial Member for Port Harcourt (Provisional),
The Honourable John Crawford.
The Banking Member (Provisional),
The Honourable K. M. Oliver, M.C.

ABSENT

The Mining Member,
Lt.-Colonel the Honourable H. H. W. Boyes, M.C.
The Member for the Warri Division—(Vacant).
The Member for the Oyo Division—(Vacant).

Prayers

His Excellency the Governor opened the proceedings of the Council with prayers.

Confirmation of Minutes

The Minutes of the meeting held on the 19th of March, 1943, having been printed and circulated to the Honourable Members were taken as read and confirmed.

Papers Laid

The Honourable the Acting Financial Secretary :

Sir, I beg to lay on the table the following paper :—
Report of the Select Committee of Legislative Council appointed to consider a Bill entitled " An Ordinance to consolidate and amend the Law relating to Income Tax ".

The Honourable the Attorney General :

Sir, I beg to lay on the table the following papers :—
Report of the Select Committee of Legislative Council appointed to consider a Bill shortly entitled " The Supreme Court Ordinance, 1943 " .
Report of the Select Committee of Legislative Council appointed to consider a Bill shortly entitled " The Magistrates' Court Ordinance, 1943 " .
Report of the Select Committee of Legislative Council appointed to consider a Bill shortly entitled " The Jury Ordinance, 1943 " .
Report of the Select Committee of Legislative Council appointed to consider a Bill shortly entitled " The Criminal Procedure (Amendment) Ordinance, 1943 " .
Report of the Select Committee of Legislative Council appointed to consider a Bill shortly entitled " The Evidence Ordinance, 1943 " .

The Honourable the Chief Secretary to the Government :

Sir, I beg to lay on the table the following papers :—
Certificates of Urgency in respect of the following Bills :—
An Ordinance to amend the Township Local Authority Servants' Provident Fund Ordinance, 1943.
An Ordinance to amend the Manilla Currency Ordinance.

Questions

NOTE.—Replies to Questions No. 27 by the Honourable the Member for the Rivers Division, Nos. 43 and 44 by the Honourable the Member for the

Ijebu Division, No. 53 by the Honourable the Member for the Ibo Division, Nos. 77 and 81 by the Honourable the Third Lagos Member, and Nos. 82-87 by the Honourable the Member for the Ijebu Division are not yet ready.

The Member for Calabar (The Rev. and Honourable O. Efiog):

55. (a) How many African members of the Yaba Higher College staff have been transferred to Achimota College, Gold Coast, on the closing down of Yaba Higher College?

(b) In view of the fact that these African members of the Yaba Higher College staff were employed to work in Nigeria and the Cameroons under the British Mandate and of the fact that the scales of salaries for Africans in the Government service on the Gold Coast are higher than those for the Africans in the Civil service in Nigeria, due undoubtedly to the higher cost of living in that sister Colony, what special allowance is paid to these African members of the Higher College staff transferred to Achimota, in order that they may be able to meet the high cost of living on the Gold Coast?

(c) If no allowance is paid will Government kindly consider the advisability of paying them some reasonable allowance to enable them to meet the expenses of increased cost of living which they are incurring now?

Answer—

The Honourable the Acting Director of Education :

(a) Two members of the teaching staff and three laboratory attendants.

(b) Sanction has been given for these men to draw Cost of Living Allowance at Lagos rates, which are considerably higher than those in force on the Gold Coast. Free quarters are also provided, an advantage only enjoyed by one of these men in Nigeria.

(c) Does not arise.

The Third Lagos Member (The Honourable Ernest Ikoli) :

75. (a) Inviting attention to a Memorandum by the Oni of Ife, Aderemi I C.M.G., on the subject of

(i) "the establishment of Industrial Companies,"

(ii) "Development of Trade Industry"

submitted at the Sixth Conference of Chiefs of the Western Provinces of Nigeria held at Benin City from August 25th to September 1, last year, to ask whether the proposals in the memorandum have been brought to the notice of Government?

(b) If so, what action has Government taken on the matter?

Answer—

The Hon. the Chief Secretary to the Government :

(a) The Memorandum prepared by the Oni of Ife, together with Memoranda prepared by other Chiefs on similar and related subjects and Memoranda written by the Honourable the Director of Agriculture and the Registrar of Co-operative Societies were laid before the Sixth Conference of Chiefs of the Western Provinces held at Benin when the following Resolution was adopted:—

- (1) That a general and large increase in production is vitally necessary.
- (2) That each Native Authority would consider financial support for the proposed Central Union of Co-operative Societies.
- (3) That it was impossible to give detailed consideration to the Memoranda of the Director of Agriculture and the Registrar of Co-operative Societies until they had been discussed in the various Councils.

All these Memoranda were embodied in the Proceedings of the Conference a copy of which has been forwarded to Government.

(b) The Oni of Ife agreed in his Memorandum that it would be difficult to establish industries in Nigeria during the war as the requisite machinery was not available. Government shares that view, but in consultation with the Resident Minister and the Secretary of State is giving consideration to the establishment of suitable industries after the war.

The Third Lagos Member (The Hon. Ernest Ikoli) :

76. To ask the Honourable the Chief Secretary to the Government :—

(a) How many officers from Hong Kong and Malaya have been absorbed in the Nigerian Service in the last twelve months and in what department ?

(b) What are the conditions under which such officers are employed : namely, whether as a temporary arrangement for the duration of the war, or permanently ?

(c) Do the officers so appointed enjoy any special privileges as regards pay and allowances not normally extended to officers ordinarily appointed to the Nigerian Service ?

Answer—

The Hon. the Chief Secretary to the Government :

(a) Two Hong Kong officers have been seconded ; one each to the Marine and the Posts and Telegraphs Department.

Sixty-two Malayan officers have been seconded as follows :—

Administrative	4
Accountant-General	1
Agriculture	1
Customs	4
Education	5
Forestry	6
Land and Survey	2
Marine	1
Medical	5
Mines	3
Police	9
Posts and Telegraphs	3
Public Works	16
Railway	2

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In addition, two Administrative Cadets and one Surveyor selected for service in Malaya were re-allocated to Nigeria.

(b) These officers are seconded in the first instance for a tour of eighteen months.

(c) The only special privilege enjoyed by these officers is Children's Allowance, which is payable from Malayan funds. An allowance, also from Malayan funds, is granted to these officers to make up the difference between their Malayan and Nigerian salaries and is payable for one year.

The Third Lagos Member (The Hon. Ernest Ikoli) :

81. To ask :—

(a) Whether a number of Prison Warders was dismissed from the service because they happened to be Officers of Trade Union for Warders' staff ?

(b) Whether it is true that pressure was brought upon the Warders to dissolve their Union ?

(c) Why as a body of employees should Prison Warders be denied the right to combine for the purpose of protecting their common interest ?

Answer—

The Hon. the Chief Secretary to the Government :

(a) No, Sir.

(b) No, Sir.

(c) There is no objection to prison warders combining together to form an Association within the Department, and such an association has already been formed.

The Member for the Ijebu Division (Dr the Hon. N. T. Olusoga) :

88. (a) In consideration of the views expressed by the Dods Committee in paragraphs 30, 31 and 62 of their report, to ask if Government will confirm that Obas, Chiefs and Councillors will not be regarded as employees of Native Administrations, even if they act either in an executive capacity or as Presidents or Members of Native Courts ?

(b) If the reply to (a) is in the affirmative, to ask if it would be consonant with this recommendation for Administrative Officers to continue to suspend Chiefs as a sort of disciplinary measures against unapproved conduct of such Chiefs, without first referring the matter to the Central Government ? If not, what would the position be ?

Answer—

The Hon. the Chief Secretary to the Government :

(a) Government does not regard Obas, Chiefs and Councillors acting solely in such capacity or Presidents and Members of Native Courts, other than salaried Native Court Judges, as employees of Native Administrations.

(b) The power to suspend or dismiss a member of a Native Authority is vested in the Governor by section 3 (5) of the Native Authority Ordinance, 1933. This power has been delegated to Chief Commissioners, except in the case of first and second class Chiefs. The power to suspend or dismiss a member of a Native Court is vested in a Resident by section 5 of the Native Courts Ordinance, 1933.

The Third Lagos Member (The Hon. Ernest Ikoli) :

89. To ask whether any reports have been received about the work and progress of Yaba Students temporarily removed to Achimota, and if so, whether such reports could be placed before this House ?

Answer—

The Hon. the Acting Director of Education :

No general report has been received. The principal of Achimota College is being asked to send one. When it is received it will be placed before the House.

The Third Lagos Member (The Hon. Ernest Ikoli) :

91. To ask whether it is a fact that the President, M. A. Chris. Solomon, and the Secretary, M. C. A. Reffel, of the Kano Native Administration African Workers' Union, who are employees of the Kano Native Administration Works and who have taken an active part in bringing to the notice of the authorities the grievances of members of the Union, have been removed from the service ?

If so, to ask for the reason for such removal ?

Answer—

The Hon. the Chief Secretary to the Government :

Mr Solomon, who was Transport Clerk in the service of the Native Administration, received notice of the termination of his appointment with effect from the 15th of May, 1942, on the ground that, at the time of his appointment, he misrepresented certain facts concerning his previous history.

This fact came to light in the course of an inquiry into his action in writing to the press to criticise another employee of the Native Administration. The Kano Native Authority's decision to terminate Mr Solomon's appointment was carefully considered and approved by the Chief Commissioner before it was put into effect.

The appointment of Mr Reffel, who was employed as Correspondence Clerk, was not terminated. He tendered his resignation to the Electrical Engineer with effect from the 3rd of September, 1942, and it was accepted.

Resolutions

The Hon. the Acting Financial Secretary :

Your Excellency, I beg to move the following resolution standing in my name :—

“ Be it resolved : That the Report of the Select Committee of Legislative Council appointed to consider the Bill entitled “ An Ordinance to consolidate and amend the Law relating to Income Tax ” which “ was laid on the table to-day, be adopted ”.

I think Sir, I need say no more than that the Report makes certain recommendations which it explains, and also, in accord with standing instructions, incorporates in the Report such amendments as have been given notice of.

Sir, I beg to move.

Resolution adopted.

The Hon. the Attorney-General :

Your Excellency, I beg to move the five resolutions standing in my name. . .

His Excellency :

On a question of procedure it appears that the Council has not been given any time to consider these reports.

The Hon. the Attorney-General :

They have only been laid on the table to-day Sir.

His Excellency :

I do not think it is right to put a Report of a Select Committee before the House and ask them to adopt it before reading it.

The Hon. the Attorney-General :

I appreciate that, Sir, and there is no urgency, but each of these particulars would be considered in committee.

His Excellency :

They cannot be considered in committee after they have been adopted. I suggest that consideration of the reports of the Select Committees be deferred until a later date so that members may have an opportunity to study them before committing themselves.

BILLS

(First Readings).

THE TOWNSHIP LOCAL AUTHORITY SERVANTS' PROVIDENT FUND
(AMENDMENT NO. 2) ORDINANCE, 1943.

The Hon. the Attorney-General :

Sir, I rise to move the first reading of a Bill entitled

An Ordinance to amend the Township Local Authority Servants' Provident Fund Ordinance, 1943.

This Bill, Sir, is in consequence of a matter that has arisen since this Council has actually been sitting and it is to provide that in the event of certain

amendments under the Native Authority Ordinance going through, of which members have had notice, that this consequential amendment should be moved. It is only intended to ensure that when a Native Authority takes over an area formerly a township, the employees in the township coming under the Native Authority would be able to continue their contributions to the fund.

Sir, I beg to move.

The Hon. the Solicitor-General :

I beg to second.

Bill read a first time.

THE MANILLA CURRENCY (AMENDMENT) ORDINANCE, 1943.

The Hon. the Attorney-General :

Sir, I rise to move the first reading of a Bill entitled

An Ordinance to amend the Manilla Currency Ordinance.

Honourable Members will be aware that this subject has cropped up since this Council met, and the object of this amendment is to enable Native Authorities, if they think it advisable to do so, to try and fix the value of the manilla with reference to the ordinary local currency in Nigeria.

Sir, I beg to move.

The Hon. the Solicitor-General :

I beg to second.

Bill read a first time.

(Second and Third Readings.)

THE NATIVE AUTHORITY ORDINANCE, 1943.

The Hon. the Attorney-General :

Sir, I rise to move the second reading of a Bill entitled

An Ordinance to provide for the establishment of the offices of Native Authorities throughout Nigeria, other than in the township of Lagos, the appointments to such offices and the powers and duties of Native Authorities.

The Hon. the Deputy Chief Secretary :

I beg to second.

His Excellency :

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

The First Lagos Member (The Hon. H. S. A. Thomas) :

Your Excellency, the Bill before the Council is a very important one, and I only feel I should call attention to the fact that when the question of provincial administration was before the Legislative Council of the Colony of Lagos, and an Ordinance was passed in 1901, that Ordinance, No. 15, recognised Councils and not individuals—not individual chiefs but the Council in each case. At present there are several Native Administrations with sole Native Authority. I realise, Sir, that it is impossible to remove those individuals already appointed as Sole Native Authority, but I should ask Your Excellency that consideration be given to the fact that the law and custom of the Yoruba peoples is democratic, and that being the case, as the holders of the present office of Sole Authority pass away, Your Excellency or the Government will consider the question of recognising Councils instead of appointing Sole Native Authority. I observe that under the provision for the Colony, Councils and groups of persons only are recognised. That is what it should be for the whole of Yorubaland, but as it is not, I am not disposed to quarrel with it. But I feel I should bring this to Your Excellency's notice.

The Third Lagos Member (The Hon. Ernest Ikoli) :

Your Excellency, I have not much to add to what the Honourable First Lagos Member has said about the Native Authority Ordinance. I am sure, Sir, that representations have been made to Your Excellency from different parts of the Western Provinces as regards the feelings of the people in those provinces concerning the question of granting individual chiefs Sole Authority.

His Excellency :

In point of fact I have received no such representations.

The Third Lagos Member (The Hon. Ernest Ikoli) :

Well, Sir, the position is that a good many people in the provinces feel these things keenly and bring them to our notice from time to time. I agree with the First Lagos Member that it would not be quite fair if Government by a stroke of the pen ordered that the chiefs now enjoying certain privileges should be deprived of them. But we do feel, Sir, that some assurance should be given to this House that after the death of those who are privileged to exercise such authority succeeding chiefs should not be given such authority.

The Member for the Ibibio Division (The Hon. N. Essien) :

* Your Excellency, before I say something about the Bill before the House I crave Your Excellency's indulgence as Your Excellency always extends such indulgence to all members, particularly Unofficial Members, of this House when they speak. I intercede not only on behalf of the Native Administration but of the whole people so as to point out and prove to this House that certain measures that the Administration may take would go to ruin the friendship between the Administration and the natives. Your Excellency when I read cursorily through this Bill, I observed Sir, that there are certain things in it. This Bill at present Sir should not be passed. I do not rise Sir to oppose Government measures, I do not rise, Sir, to betray my people, but when I came to this House I was sworn to be true to the King, and as such I must be conscientious in my presentation. If my presentation appears foolish to Your Excellency please sympathise with me because of a certain lack of privileges I have not enjoyed.

Sir, the Bill as it appears, having read through the whole thing, it goes absolutely to deprive the native of his native birthright, and I need not delay very long upon this Sir, because I know that Your Excellency is here to protect and defend native liberty and native right, except such right and liberty appear to be repugnant to natural justice. And so I submit to Your Excellency that this Bill should be suspended six months from now so that those who sent us to this House may be able to learn from us thoroughly the clauses and the sentences as well as the words which go to make up this Bill.

His Excellency :

Perhaps the Honourable Member would specify some of the methods in which this Bill is intended to deprive natives of their birthright. The Honourable Member has made a statement that this Bill deprives the natives of this country of their birthright but he has not substantiated that statement. Perhaps he would specify some ways in which it does so.

The Member for the Ibibio Division (The Hon. N. Essien) :

* Your Excellency, clause 5 says the Governor may by notice in the Gazette appoint to any Native Authority so constituted in the Protectorate any chief or other person. Your Excellency, our chiefs are born and not made.

When any person is appointed to the office of a chief, Sir, I humbly submit that that is absolutely against native right. Also, "any chief associated with the Council or any Council or any group of persons." If, Your Excellency, we were not known that we have natives too, that is not natural, otherwise our rulers would not have been called natural rulers, and so I submit, Sir, that my understanding of this clause is that any person other than a person who is born naturally to rule may be appointed. I am subject to Your Excellency's correction.

His Excellency :

The Honourable Member is aware that this section is merely re-enacting the existing law in a more intelligent form. There is nothing new about this. It just repeats the existing law.

The Member for the Ibibio Division (The Hon. N. Essien) :

* Well Sir, I submit it may be due to my misunderstanding of this Bill, but your servant stands here and submits conscientiously that that is my understanding, and I fear that my people would blame me that I was in this House when this Bill passed through without stating what would have been their opinion. And so Sir, if Your Excellency over-rules me I am subject to Your Excellency's correction. I am consoled, Sir, that I have submitted my people's wishes.

The Member for the Ijebu Division (Dr the Hon. N. T. Olusoga) :

Your Excellency, much has been said and written about the subject of Native Authorities, particularly in the province from which I come. I am only rising to endorse the statements made by the First and Third Lagos Members because in actual practice, Your Excellency, sole Native Authority does not exist. I am privileged to be a member of the Appointments Committee and also a committee to consider estimates, and in these committees the Paramount Chiefs in my province have always made it a point to invite people to be present when matters concerning the welfare of the people are to be considered, the Chiefs, as well as the member representing this Council. So I believe that the agitation against sole Native Authority is not tenable. They say they are asking for democracy, so am I also asking for democracy. But I would like the chiefs who are privileged to remain privileged during their life, and as such I am asking Your Excellency that when the time comes adjustment should be made to make us more democratic.

Your Excellency, I would like to point out certain unpleasant points in this Bill. The word "native". If Your Excellency will indulge me, I read in an English paper something in connection with the life of a person who the paper said, was a native of Birmingham. A friend of mine said "But there are no natives in Birmingham, there are no Africans there." So you see the word "native" is becoming contentious. I am asking Your Excellency if it is possible to remove this term and substitute something more descriptive and appropriate.

Clause 33, Your Excellency. While asking that the present people privileged should remain as they are at present, I am asking if Your Excellency would consider that the word "shall" should be substituted for the word "may" in the second line of clause 33 (1). I will move this at the committee stage.

The Member for the Calabar Division (The Rev. and Hon. O. Efiang) :

* Your Excellency, I rise to make one or two observations on the Native Authority Ordinance. I want to say, Sir, that I do not quarrel at all with the

*Not revised by the speaker.

provision for sole Native Authority, because in certain Native Administration areas we have natural rulers who by their own institution are recognised as the sole Native Authority. I have no doubt that in certain areas that might not be in consonance with natural institutions but wherever it is I have no objection whatsoever. Furthermore, Sir, if and when it is in consonance with the native institutions I am consoled that it would be very constitutional.

I also agree with the constitution of Councils in lieu of sole Native Authority in certain areas. Such Councils would answer very well in the government of our people. I would say that provision is made for statutory sole Native Authority, that is when a District Officer is vested with Native Authority and the like. I would like, Sir, that definite distinction be drawn between indigenous Native Authority and statutory Native Authority so that there might not be any clash. I say that because in indirect rule we have been given to understand that the people should become their own native institution and so long as they are native institutions they are not repugnant to British justice.

In my opinion also, Sir, when a sole Native Authority is constituted the people of the land should be consulted, and I feel sure that when Your Excellency has appointed a person, sufficient scrutiny and consultation will be made with the natives beforehand, because we fear, Sir, that people who are not by birth chiefs might be constituted as such and if there is not sufficient safeguard they might impose unnecessarily on the people.

The Member for the Colony Division (The Revd. and Hon. T. A. J. Ogunbiyi) :

Your Excellency, I rise only to make a request, a request that I stressed during my maiden speech in this House, that when an Ordinance like this affecting the welfare of natives is enacted or passed in this House, that it should be translated into the vernacular. I am stressing this because that was my impression in the early days of my boyhood when a system of appointing jury to assist the judge in the Court in the early days was introduced by the people in Lagos. I was a young boy reading the Yoruba translation to my father and he was following very carefully. Well these people have got children who will not be able to read all this to their parents. I think if we had this translation it would go a long way to settle what some of my honourable friends here are contending.

Then again there should be say a Board of African Advisers in different parts of the country where this Bill is being introduced, to carefully explain to our people and let them know what the Bill stands for, and let the people take it in before it is introduced, then there would be no trouble whatever. There are many wiseacres about who will tell the people this and that.

Now Sir, before coming to this Council at this time I received from Ejinrin a copy of a letter sent to the Commissioner of the Colony by a Bale. When I went through it I could well see that the man who wrote that letter could not of his own account conceive of the ideas expressed in that letter. It was composed for him in highflown English. I think it did not mean certain things, and when I saw the reply by the Commissioner of the Colony, I agreed with him ; another letter had to be sent, knowing him to be an illiterate man and as I know our people I do not think he could by himself dictate such a letter. Well you want to explain to these people. I was going to suggest to the Commissioner of Colony that I would be quite willing to help him interview that man. That is my point and I think it would go quite a long way to settle the question raised by the Honourable Member that we should wait until a chief is dead and then the succeeding one should come under this Ordinance.

The Member for the Egba Division (The Hon. O. Moore) :

Your Excellency, I come from a country where a sole native authority is supposed to rule. In fact the word "sole Authority" is foreign to the Egbas, and no amount of statutory provisions can alter the tradition that no Egba Oba can be vested with sole Authority. The Egbas are very democratic, and I am sure that the individual in whom the Government has vested "sole Authority" will never act without the advice and consent of his people as represented in the National Council.

I would suggest, Sir, that the word "Native" as pointed out by the Honourable Member for Ijebu Division be deleted. The term has lost its primary meaning and it is now used in a contemptuous manner when referring to Africans.

Perhaps the word "local" or "competent" might be substituted for the word "native".

His Excellency :

Would the Honourable member like to be referred to as a "competent" of Nigeria or a "local" of Nigeria?

The Member for the Egba Division (The Honourable O. Moore):

Under clause 54 of the Bill, your Excellency will observe if the Native Authority becomes vacant an Administrative Officer will take charge. Well, that will, in a place like Abeokuta create a very unsatisfactory situation. Our law and custom provided for interregum on the death of an Alake, this had been even printed and circulated in the form of a memorandum.

His Excellency :

The Honourable member is no doubt aware of the present law. There are very few provisions in this Bill that are not included in the present law and this is one that was in the existing law of 1933.

The Member for the Egba Division (The Honourable O. Moore) :

There is no such provision in the existing law, Sir.

The Honourable The Attorney General :

Sir, may I correct the Honourable Member. There is no such provision in the Native Authority Ordinance of 1933 but there is that provision in the 1934 Ordinance, which Ordinance is being repealed by the Bill before Council.

The Member for the Egba Division (The Honourable O. Moore) :

Sir, there is a clause in the Bill which makes it impossible for a Native Authority to own land unless it is registered under the Lands Perpetual Succession Ordinance.

At present Native Authorities can own lands and there were even cases where African Chiefs have been known to lease land to the Government. That also is not in the existing law.

The Honourable Attorney-General :

No, Sir, that is new.

The Member for the Egba Division (The Honourable O. Moore) :

I am asking, Sir, that the word "may" in section 33 sub-section 3 be changed to "shall" then the sub-section will read "The Chief or other person appointed a Native Authority as aforesaid *shall* require". That will make it obligatory on all Native Authorities to have a Council.

The Member for the Rivers Division (The Hon. S. B. Rhodes, C.B.E.) :

Your Excellency, I have read over this Bill very, very carefully, especially when I thought that it was going to be opposed vigorously. Well, all I can say

The Member for the Calabar Division (The Rev. and Hon. O. Efiang) :

* Your Excellency, I rise to make one or two observations on the Native Authority Ordinance. I want to say, Sir, that I do not quarrel with the

is that after reading it several times I do not see why it should be opposed. Section 5 that some members seem to have a fear about provides for alternative appointments and I take it that before Your Excellency proceeds to appoint a Native Authority for any area you will first of all consider the constitution of that place, how it is done, if it is done commonly by a Chief with the Council, or a Chief, or a Council, or a group of persons—all these things are the rule in the Southern and Eastern Provinces. One Honourable Member made a statement in this House that sole Native Administration is not known in Nigeria; I have to differ. I can only ask him who was the sole Native Authority in the time of King Joja of Opobo? King Pepple of Bonny? King Mingi of Brass? In the days before the advent of the British Government they were the sole Native Authority. Nobody had a say then and we cannot now come here and say we never had sole Native Authority because, in the Eastern Provinces at least we have had three kings and their words were final.

As regards Section 54, how I understand this section, as a legal man, is that where, for instance, a Chief who is appointed a sole Native Authority dies and two factions are set up contending as to which of the two is to be appointed as Chief, after due consideration of Your Excellency, if in the meantime while these quarrels are going on somebody must, of necessity, be the temporary Native Authority. The only person that could be appointed temporarily is the Administrative Officer because if you appoint a local man you at once raise his hopes that he is going to be the person to be made Native Authority and will be most disgruntled if this is not done. I believe this section is merely a safeguard.

With regard to the word 'native'. I do not like this word particularly myself because I can remember a good many years ago I was a student in England and I was asked to address the Young Men's Christian Association at Highgate. I went on a Sunday afternoon and I thought the best thing I could do was to tell them of the work the missionaries were doing in West Africa. I did this and in conclusion I said, "There is one thing I observe and that is that the natives of London are very ignorant about West Africa". When the meeting was over an elderly gentleman came up to me and said, "I enjoyed your lecture very much but you made a faux pas when you spoke of the natives of London. We have no natives here! When we say native we refer to you people!" I said "Only the other day at the Great Central Hotel they served us with 'Native' oysters and they certainly did not come from Africa". We do not like this word Native. I wish to say that I share the view of Honourable Members that if any word can be substituted for the word 'native', I shall be glad, Sir.

The Second Lagos Member (Honourable Jibril Martin) :

Your Excellency, I have read this Bill and I have tried my very best to find faults with its provisions, but I have been unsuccessful—all the provisions which are contained in this Bills appear to be the existing law. I have nothing to disagree with in the Ordinance except the word 'native'—'Native' Authority. When I think that we must follow the process of evolution it is more advisable that we should adopt another word in its place. I would rather prefer that the word 'Local' Authority had been used instead of Native Authority but already we have Local Authority which is quite different from 'Native Authority'. To avoid confusion which obviously the use of the term 'Local Authority' will cause if used in this Bill, I think we should for the time being retain the term 'Native Authority'. I think Your Excellency, in considering the matter we should also consider how far our Native Authority will be a Local Authority in the true sense of the word. That is to say to

have the same powers as those of the Local Authority in England. I sincerely trust that as the Native Authority progresses, Your Excellency will increase their powers and so make them a real Local Authority in the true and proper sense of the term.

The Member for the Ibo Division (The Honourable B. O-E. Amobi) :

Your Excellency, I rise to give my support to this Bill. In fact when the Bill came to me I read it over and over again and suspected one or two points. After careful consideration of the Bill, however, I find that it will help to clear many of the difficulties here, there and yonder. In Clause 3 (b), Your Excellency, somebody asked me the question whether in a place like Onitsha whether every Head would be subordinate to the Native Authority. I do not know what is exactly intended or what the Government mean about this particular clause. But according to what the Honourable Member for the Rivers Division said I believe that some years ago the king had the sole power to use everybody as he liked. When he wanted to marry a woman he simply made the order, took the woman as his wife and had nothing to pay in dowry. He had sole authority to do a lot of things but I think this Bill will rectify all of these difficulties. The only objection I want to make, Your Excellency, is about District Officers officiating as sole Native Authority. I said to myself in a place like Onitsha, and several other places, we have a regent who acts in place of the king if the king dies and the power is always vested in him. In the absence of the king he looks after the country until the natural king is made. I do not know whether they have that in other areas but we have it in our areas. So in that case if the District Officer is made the sole Native Authority it means that the regent can function no longer.

Your Excellency, so far as the Bill is concerned I have already given my support to it but as we go through it clause by clause I hope I shall be allowed to raise one or two amendments.

The Chief Commissioner, Western Provinces :

There is only one point with which I wish to deal. That is the question of sole Native Authority to which reference has been made by a number of Honourable Members. The term 'Sole Native Authority', especially if undue emphasis is put on the word 'sole', is liable to give a misleading impression and to misrepresent the true position. However, Government is prepared to give an assurance as far as the Western Provinces are concerned.

His Excellency :

And I think in the Eastern Provinces too.

The Chief Commissioner, Western Provinces :

. . . that no new appointment of a Chief alone to the post of Native Authority will be made unless Government is fully satisfied that there is a genuine desire for such an appointment on the part of the bulk of responsible people.

The Chief Commissioner, Eastern Provinces :

May I endorse what His Honour the Chief Commissioner for the Western Provinces has said. I should like to refer to one or two other points, and, if I may, clarify the position in regard to subordinate Native Authorities. Honourable Members will appreciate that in each province during recent years there have been a number of small Native Authorities. Some of these will, according to their own wishes, join together to form single Native Authorities. It is an admirable step. It enables us to deal with larger units while retaining smaller ones as subordinate Native Authorities. There is no desire to subordinate any one African unit to any other. I should like, Sir,

to add that I am surprised and distressed to hear the Honourable Member for the Ibibio Division say that we were trying to deprive the Nigerian of his birthright. He himself is a member of his own Native Administration and he will agree, I am sure, that no Native Authority was formed in accordance with this law without due regard to the wishes of the people. Every Native Authority has been constituted as the people themselves would wish it and in accordance with Native custom and it would be the last thing we would wish to do to make any change in that policy.

His Excellency :

Before calling on the Attorney-General to reply I should like to make a few remarks about the use of the word "native". It is a fact that to many people of limited education and limited intelligence in European countries the word native has had, and possibly still has, a derogatory signification, but I am quite certain in my own mind that that derogatory signification is passing and that in a few years the word native will not have that signification at all. Quite apart from that, it is exceedingly difficult to find another word to substitute for it in all its meanings, and if we were to start now on one particular Bill we should find ourselves involved in all sorts of trouble. There are of course already "local" authorities in this country, quite distinct from the native authorities, and if we were to start now with some word which is really a synonym for native, such as "indigenous" or something of that sort, we should only make life a little more complicated than it is now.

The Honourable the Attorney-General :

Your Excellency, you have touched on a particular subject, that of "native" to which I was going to refer and you have covered the ground so clearly that there really is no need for me to touch on it at all. But I would like to say that I, to a certain extent, am one of those people, a "native" of a tropical country, and I am proud of it. I think this idea of a "native" of this or that is misunderstood.

There are one or two points from a legal aspect which have arisen in the course of the remarks on the second reading, Sir. The Honourable and learned Member for the Egba Division has, I think, looked rather too closely at the existing Native Authority Ordinance of 1933 without looking at the Schedule of repeals to this Bill. If he looks at this Schedule he will find we are incorporating into this one particular Ordinance many provisions applicable to Native Authorities but not in the Native Authority Ordinance of 1933. The particular one concerning which he spoke is that under which an Administrative Officer may be appointed to fill the vacancy of a Native Authority where there is no Native Authority. I stated these provisions already exist and he stated they do not. Those provisions are contained in one of the Ordinances being repealed and because it is being repealed from the statute law its provisions are being reproduced in this N.A. Ordinance so that all matters relating to the offices of native authorities will, so far as is possible, be brought into one statute and made clearer and simpler for everybody to understand. Had that been done in previous cases that particular mistake would not have arisen.

I would also like to refer to the statement by the Honourable Member for the Ondo Division to the effect that sometimes, under native law and custom, there is some one who is appointed as a regent. I think, Sir, I can state without consulting you, that if you were to be satisfied that in a particular case it is the custom for any particular person to hold an interregnum, that you would consider that person as being available to be appointed Native Authority during the Regency. The Bill does not say an Administrative Officer has got to be appointed, but there must be machinery available so that if there is a breakdown it could be remedied.

Now my Honourable and learned friend from the Egba Division also referred to provisions under this Ordinance by which Native Authorities can be incorporated. He also mentioned that many chiefs held land. I think he said that. Well I agree with him that hundreds of chiefs hold land, but under what authority do native authorities as such hold land? There, Sir, my Honourable and learned friend has not drawn the essential distinction between a chief as a chief, and a chief who has been appointed to the office of native authority. When he holds the land as a native authority, as he will do in future if this Bill goes through, he does not hold it as a chief, which is his personal right, he holds it as a native authority, as a creature of statute. For example I have certain personal possessions belonging to me in the name of Cox, but I am quite determined they don't belong to the country because I am Attorney-General. My personal and official rights and duties are entirely different. My Honourable and learned friend must appreciate that where a creature is created by statute he is bound by the four walls of the statute creating him, and therefore if we want a native authority to be able to hold that land we must give the necessary statutory authority; and that is all we are doing in this particular case. In one clause relating to this matter my friend will see there appears, "where the native authority holds *or purports* to hold." Those words were put in to get over those cases where native authorities by a mistaken idea as to their statutory powers already hold or purport to hold land.

His Excellency :

I think I am correct in saying that Native Authorities as such cannot hold land and it is the intention of this Bill to enable them to do so. Native Authorities cannot legally hold land as Native Authorities at the present moment, though a great many imagine they can. As individuals, yes—a Chief can hold land—but a Native Authority as such at present is not qualified to hold land, and it is highly desirable he should be so qualified.

The Honourable the Attorney-General :

And if I may just continue your sentence, Sir, before a creature of statute can hold land it has got to have a corporate existence hence the provisions to incorporate a Native Authority as a corporate authority. This is designed solely to enable Native Authorities to carry on the good work which they are trying to do but cannot legally perform at present.

One other question. The Second Lagos Member, when speaking of native local authorities, asked us if we could not let these authorities have far greater power in local administration. Well, my honourable friend will find on the paper before him a list of amendments, certain amendments to clause 25, which go a very long way beyond the existing powers, and I commend them to the consideration of the House when we come to them.

Sir, I beg to move.

His Excellency :

The motion moved by the Honourable Member for the Ibibio Division that this Bill be read a second time in six months not having been seconded I will put the substantive motion.

Bill read a second time.

In committee.

Enactment.

Clause 1.

Clause 2.

The Member for the Ibibio Division (The Hon. N. Essien) :

Clause 2 Your Excellency. I submit Sir that the word 'Chief' according to the definition here a Chief means any person recognised as chief by the Governor. I am suggesting Sir that the following words should be added after the word Governor—"on the recommendation of not less than two-thirds of his people."

Motion not approved.

Clause 3.

Clause 4.

Clause 5.

The Hon. the Attorney-General :

Your Excellency, I am afraid I have to move a slight amendment to this clause. It is on the list of amendments. In the second line, paragraph 2 (2) there are the words "Council or body of persons." The word "body" is wrong and I beg to move that instead of "Council or body" the words "Council or group" be substituted.

Amendment approved.

The Third Lagos Member (The Hon. Ernest Ikoli) :

Clause 5 Sir, paragraph 1 (a). I do not like that phrase "any Chief or other person", and move that the words "or other person" be deleted.

His Honour the Chief Commissioner, Eastern Provinces :

There is one point I would like to suggest to the Honourable Member. In certain parts of the Cameroons under native custom if a Chief dies a regent is appointed and holds office for three or four years. I am not sure whether that regent could be regarded as a Chief for the purpose of clause 5, 1 (a), and I should prefer that the clause remain as it is in order that a regent's position might definitely be covered.

Motion withdrawn.

Clauses 6-23.

The Hon. the Attorney-General :

Your Excellency, in replying on the motion for the Second Reading, I mentioned that we were giving Native Authorities far more power than at present, and I would like to explain what I meant. Clause 23 is the clause under which the Native Authorities will be able to make Orders. Now those Orders Sir apply only to persons subject to the jurisdiction of Native Authorities. In other words, we draw a distinction, which I dislike doing very much, in that they would not apply to Europeans.

His Excellency :

Or any non-native of Nigeria ?

The Hon. the Attorney-General :

No, Sir, but there are many provisions in the existing Ordinance which ought to apply to everybody but do not. Honourable Members will realise that every now and then in the Gazette we find a notice issued by Your Excellency authorising a Native Authority to make orders in respect of certain matters stated in the notice. For example, you have authorised Native Authorities making orders controlling the riding of bicycles, the equipment of bicycles, licences and so on. That is just an example. Well, Sir, that is an Order made by a native authority and there really is no reason whatever why a non-native living in a Native Authority area should not have by law to comply with exactly the same provisions relating to bicycles : accordingly this particular clause has been reconsidered and examined very carefully and all those provisions which might possibly affect persons other than those

subject to the jurisdiction of Native Authorities have been taken out and transferred to the rule making clause, 25. I therefore beg to move that clause 23 be amended by deleting paragraphs (a) to (z) inclusive and substituting the following:—

- “(a) prohibiting, restricting or regulating gambling ;
 (b) prohibiting, restricting or regulating the carrying and possession of weapons ;
 (c) prohibiting, restricting or regulating the cutting or destruction of trees growing on communal or native lands ;
 (d) prohibiting, restricting or regulating the migration of natives from or to the area of its authority ;
 (e) regulating child betrothals within the area of its authority and prescribing safeguards to be taken—
 (i) when the child betrothed leaves the place in which her parents or guardians reside but does not leave the area of authority of the native authority making the order,
 (ii) when the child betrothed leaves the area of authority of the native authority making the order,
 (iii) when the child betrothed in some other area enters the area of the native authority making the order ;
 (f) requiring the marriage, birth or death of any persons subject to its jurisdiction to be reported to it or to such person as it may direct ;
 (g) prohibiting, restricting or regulating the movement in or through the area of its authority of livestock of any description ;
 (h) prohibiting, restricting or regulating the burning of grass or bush, and the use of fire or lights in any manner likely to ignite any grass or bush in contravention of any law or regulation ;
 (i) requiring any native to cultivate land to such extent and with such crops as will secure an adequate supply of food for the support of such native and of those dependent upon him ;
 (j) prohibiting, restricting or regulating or requiring to be done any matter or thing which the native authority, by virtue of any native law or custom for the time being in force and not repugnant to morality or justice, has power to prohibit, restrict, regulate or require to be done ;
 (k) prohibiting the hindrance or interruption of the free passage of any person transporting goods or produce along any path or road leading to any town or village ;
 (l) specifying fees or charges to be paid in respect of any matter or act for which provision is made in any order ; and
 (m) for any other purpose, whether similar to those hereinbefore enumerated or not, which may, by notice published in the Gazette, be sanctioned by the Governor, either generally or for any particular area or native authority.”.

Amendment approved.

Clause 24.

Clause 25.

The Hon. the Attorney-General :

Your Excellency, as Honourable Members will see in the Bill before them, clause 25 (1) has five paragraphs only (a) to (f). These are the rule making provisions and they apply to everybody living within the area of the Native Authority, unless Your Excellency intervenes. Previously it used to be necessary for all Native Authorities who made such rules and applied them

to persons other than those subject to their jurisdiction, to have to obtain Your Excellency's prior permission. Now we have simplified this and they will apply automatically, unless in any particular instance Your Excellency intervenes and says "no." Into this clause it is intended to place many of the matters previously formed in clause 23. I therefore beg to move that paragraphs (a) to (f) be deleted and the following substituted :--

- (a) for the regulating, controlling or promoting of trade or industry and regulating the carrying on of any offensive trade ;
- (b) prohibiting, restricting or regulating the manufacture, distillation, sale, transport, distribution, supply, possession and consumption of intoxicating liquors ;
- (c) for the purpose of exterminating or preventing the spread of tsetse fly ;
- (d) prohibiting or regulating the removal from any place of African antique work of art and generally for the protection and preservation thereof ;
- (e) prohibiting or regulating the capture, killing or sale of fish or any specified kind or kinds of fish ;
- (f) (i) prohibiting cruelty to animals or specified acts of cruelty to animals, and
(ii) authorising the detention for treatment of any animal suffering from the effects of cruelty ;
- (g) prohibiting any act or conduct which in the opinion of the native authority might cause a riot or a disturbance or a breach of the peace ;
- (h) preventing the pollution of the water in any stream, water-course, or water-hole, and preventing the obstruction of any stream or water-course ;
- (i) preventing the spread of infectious or contagious disease, whether of human beings or animals, and for the care of the sick ;
- (j) requiring persons to report the presence within the area of its authority of any person who has committed an offence for which he may be arrested without a warrant or for whose arrest a warrant has been issued, or of any property stolen or believed to have been stolen within or without the area of its authority ;
- (k) declaring any area specified in any such rules to be a public burial ground, requiring the burial of all persons who die within the jurisdiction of the native authority making the rules in such burial ground, requiring the burial of a dead body within a specified period after death, and imposing on any person named in the rules the duty of causing any dead body to be buried ;
- (l) regulating animal traffic along highways ;
- (m) (i) requiring bicycles and vehicles other than motor vehicles to be licensed, authorising the exaction of fees for licences issued in respect of bicycles and such vehicles, and
(ii) specifying the equipment with which bicycles and such other vehicles must be fitted, and generally for regulating and controlling the riding of bicycles and the use of such other vehicles, and
(iii) generally for all purposes incidental to sub-paragraphs (i) and (ii) ;
- (n) requiring people to carry lamps during such hours and within such places or areas as may be specified in the rules ;
- (o) prohibiting or regulating the hawking of wares, or the erection of stalls on or near any street ;

- (p) declaring any land to be an open space and the purposes for which such space is to be used or occupied and regulating such use or occupation ;
- (q) (i) for the prevention of fires, and
 - (ii) providing for the establishment of fire brigades, and
 - (iii) prescribing the duties of the members of such brigades, and
 - (iv) generally in connection with any matters relating to the extinguishing of fires and to the custody and use of appliances provided for such purpose ;
- (r) (i) for the licensing of buildings or other places for the performance of stage plays or the display of cinematograph films, and
 - (ii) prescribing the building materials thereof and the mode of building, seating accommodation, entrances, exits and all other matters appertaining to the same, and
 - (iii) prescribing against overcrowding and for the control and prevention of fire, and
 - (iv) prescribing for the maintenance of good order therein and for the entry and inspection during any performance or display or at any time by any police officer or person authorised so to do ;
- (s) (i) for the appointment, management and control of pounds, and
 - (ii) prescribing the powers and duties of pound masters, and
 - (iii) for the seizing and impounding of stray animals, the recovery of expenses incurred in connection therewith, and
 - (iv) for the sale of impounded animals and the disposal of the proceeds of any sale ;
- (t) (i) regulating the repairing, improving, stopping or diverting of streets, water-courses or drains, preventing obstructions thereto, and the mode of objection to the stopping or diverting thereof, and
 - (ii) regulating the construction of new streets, water-courses or streets drains and building lines, and
 - (iii) regulating the cutting, uprooting, topping, injuring or destroying any tree growing in any street, and
 - (iv) regulating traffic in any street ;
- (u) with regard to public services provided by the native authority in any capacity and for the imposition of general or other rates in respect of the same ;
- (v) providing for the fencing of land or any particular land and for the maintenance and repair of such fences ;
- (w) (i) providing for the demolition of dangerous buildings, and
 - (ii) enabling some person or persons to carry out such demolition at the expense of the owner in default of the owner so doing, to remove and sell the materials of any building so demolished, and
 - (iii) regulating the procedure by which such expenses may be recovered ;
- (x) providing for the peace, good order and welfare of the persons within the area of its authority ;
- (y) specifying fees or charges in respect of any matter or act for which provision is made in any rule ; and
- (z) imposing as penalties for the breach of any rule, a fine not exceeding twenty-five pounds or imprisonment not exceeding six months or both fine and imprisonment."

His Excellency :

I hope it is quite clear that the list of amendments the Attorney-General has just read is a list of amendments by which Native Authorities will b

able to make rules which will apply to all persons, whether natives or non-natives of Nigeria. Their powers in this respect will be greatly extended.

The Hon. the Attorney-General :

In this clause as now amended we find transferred from the order making clauses all those provisions which could possibly affect Europeans as well as Africans. I mention those words because they have been used in the course of this discussion, but many of them are matters that at present only apply to persons under the jurisdiction of Native Authorities because of the section of the Ordinance they are in. For example, under the existing law, an order relating to the pollution of water-courses will not apply to non-natives ! Why on earth should anybody else be allowed to pollute a water-course and not be subject to an order. That has been transferred. We have also incorporated many of those provisions—under which a local authority can administer a township and are essential to a local authority within a township, such, for example, as the opening up of streets, closing of streets and so on. All those things which in the past Native Authorities have wished to do, they have, I am aware, in many cases done them but they have had no legal authority for so doing. I cannot emphasise too much that we really are endeavouring to put Native Authorities on a sound legal basis and greatly extend their powers. Many of the matters on which they will now be able to make rules are taken directly out of the Townships Ordinance. There are cases where township areas are being taken over by Native Authorities. Obviously the native authorities must have authority to continue administration of those areas in a proper and efficient way. Also there are native towns which never have been townships and why should they not the native authorities have the means of administering those areas just as efficiently and satisfactorily as if they had been townships under local authorities.

Under this clause also will be found provision by which Native Authorities can make rules as regards the construction of cinemas and places of entertainment to prevent loss of life by fire and so on. If members will glance through this list they will find it gives Native Authorities very wide municipal powers, powers which this Government thinks they should have. That was a point made by the Second Lagos Member and I think it has been met in this particular amendment.

His Excellency :

I should like to add to what the Attorney-General has said, particularly for the benefit of the Member for the Ibo Division. As he is aware, it had been decided some time ago to abolish Onitsha township and hand it over to the Native Authority. Well, when we tried to do so we found we were up against all sorts of legal difficulties, which had been completely ignored in the case of larger places like Benin, Abeokuta and Ibadan, where large towns are in fact administered by the Native Authority but have not under the present state of the law got legal power to do a great many of the things which they have done and must do, and this amendment is intended to make it possible for a Native Authority to do legally things which in the past have been done, I am afraid, quite illegally.

Amendment approved.

The Member for the Rivers Division (The Hon. S. B. Rhodes, C.B.E.) :

When the Rules are made, Sir, will they be Gazetted ? How is the public to know of the Rules that are made ?

The Hon. the Attorney-General :

No provision has been made for Gazetting them. They will be of purely local application, and will be published in the area concerned, but will not be Gazetted.

Clauses 25-28.

Clause 29.

The Member for the Egba Division (The Hon. O. Moore) :

Your Excellency, is not that taking away the powers of the House and giving them to an executive. As far as Abeokuta is concerned, we are a Native Authority.

His Excellency :

I am afraid I don't quite follow what the Honourable Member means.

The Member for the Egba Division (The Hon. O. Moore) :

Clause 29 (1) Sir. I am submitting this is the power of the House and should not be given to an executive.

The Hon. the Commissioner of the Colony :

This power has been exercised for the last thirty years by Townships and Native Authorities. Lagos Town Council exercises it every week.

His Excellency :

That has been exercised by executives for a great many years, and, incidentally, by myself.

Clauses 30-32.

Clause 33.

His Excellency :

I think the Honourable Member for Ijebu wished to propose an amendment to this clause.

The Member for the Ijebu Division (Dr the Hon. N. T. Olusoga) :

I move Sir, that in clause 33 (1), second line, the word "may" be substituted by the word "shall".

His Excellency :

I would like to ask Their Honours the Chief Commissioners whether there is in fact any chief in the country now who has not appointed an Advisory Council.

The Chief Commissioner for the Eastern Provinces :

None in the Eastern Provinces.

The Chief Commissioner for the Western Provinces :

None in the Western Provinces.

His Excellency :

I think that the Honourable Member is aware that this Council is legislating for the Southern Provinces only, and if the word "shall" be substituted for the word "may" I should have to make a slightly different provision for the Northern Provinces, whereas in fact in the Southern Provinces all chiefs have Advisory Councils, but they are not always necessarily approved by me. It is a fact that in the Northern Provinces every Chief has a Council, but they are not formally approved by me and I have no desire formally to approve them. I think the Honourable Member may rest satisfied there is no case in the whole of Nigeria where a Chief acts entirely on his own without a Council of some sort.

Clause 34.

The Hon. the Attorney-General :

Clause 34, Sir, is an innovation, and I referred to it when I was moving the first reading of the Bill. I think it as well to draw Honourable Members' attention to the fact that it provides now, Sir, that Councils will have their own standing rules so as to conduct their business properly, and you will see, Sir, that they are divided into two groups. Where a native authority consists of a Chief associated with a Council, a Council or a group of persons, such native authority, *shall* make certain rules such as providing the minimum number of members necessary to form a quorum ; the minimum number whose assent recorded at any one meeting shall be necessary to validate a resolution or any other act of a native authority ; by whom and in what manner the assent or other act of the native authority shall be signified on documents ; and the person who shall preside either permanently or temporarily or on special occasions over the meetings of native authorities when such authorities consist of a council or group of persons.

Those, Sir, are rules which all native authorities which come within the first two lines of sub-section (1) will be required to make.

As an example of what takes place to-day I may mention that a native authority may make an order altering the hours a market may be opened and that is the whole rule but as the native authority in question consists of a large number of persons it is necessary for them all to sign and sometimes the signatures alone take up many pages. This is not only a waste of time but also of paper and by rules to be made under this clause it will be possible for a native authority to have its documents authenticated by a small number say, three or four members as specified in the rules. The object of this is to try and bring the conduct of native authority affairs into a more ordered and regulated pattern.

All those matters of which I have just been speaking are contained in paragraph (a) and matters in respect of which provisions *shall* be made. In paragraph (b) of the same sub-section will be found those matters in respect of which standing rules *may* be made and are matters affecting what I might call the internal administration of the native authority meetings. The rules may include matters affecting the procedure at meetings ; the giving of notices of meetings ; the agenda ; the times at which meetings shall be held and in general the furthering of the due and orderly conduct of the business of the native authority and for enabling the native authority to have their decisions given effect to in the simplest, speediest and most efficient way.

It is provided in sub-section (2) that standing rules made under either of the two paragraphs to which I have referred and the amendment of any such rules shall be subject to the approval of the Resident and require his counter-signature before they shall take effect.

Clause 35 upon which I would like to say something now is related to the clause of which I have just been speaking but is in respect of only those cases where an individual is appointed a native authority and of course as only one person is concerned it is left to his discretion whether or not he will make rules affecting the conduct of the business of the native authority of which he is the sole member.

Clauses 35-38.

Clause 38.

The Hon. the Attorney-General :

There is a slight error here, Sir. Instead of " section 39 " it should read " section 42 " and I beg to move clause 38 be amended accordingly.

Amendment approved.

Clauses 39-42.

Clause 43.

The Second Lagos Member (The Hon. Jibril Martin) :

In view of the amendments, Sir, is it necessary to refer to the High Court ?

The Hon. the Attorney-General :

The Honourable Member I think is suggesting that in view of the Supreme Court Ordinance which we hope will be enacted references to the High Court should not appear in this Bill. I considered that, Sir, but as it will be some time before the Supreme Court legislation actually comes into operation, and in the meantime the High Court will continue we will have to retain references to both the Supreme and High Courts.

One other thing I have to mention, Sir. As the Bill stands, we have a sub-heading "Incorporation of Native Authorities," but it is desirous to make that a full heading and add a sub-heading as others are to follow. I therefore wish to insert between the heading "Incorporation of Native Authorities" and the first line of clause 44 the following sub-heading "Method and Effect of Registration."

Amendment approved.

Clauses 44-53.

The Hon. the Attorney-General :

Your Excellency, a few moments ago you mentioned to an Honourable Member that certain townships are shortly to be taken over by Native Authorities and you also mentioned that examination had shown that Native Authorities had already taken over large areas, such as Ibadan, without any proper statutory authority. Well, Sir, we are endeavouring to remedy that, and I am asking leave to introduce into the Bill two new clauses, the new clauses being 54 and 55. Clause 54 will provide that where any area or place which was formerly a township under the Townships Ordinance or any ordinance amending or replacing that ordinance, ceased to be a township and comes under a native authority then all property formerly vested in the local authority such as streets, open spaces, buildings, equipment, etc. will vest in the native authority. I think Honourable Members will appreciate, Sir, that if a township is transferred to a Native Authority it is transferred as a going concern there must be certain things actually going on at the time and these things still have to continue but under the Native Authority, therefore, Sir, it is necessary to be sure that the property in all the places and effects vested in the local authority should pass to the Native Authority. That may be fairly simple Sir, but in townships the streets and open spaces are vested in the local authority and therefore it is necessary for us to transfer the whole thing, lock, stock and barrel to the Native Authority which is taking over the administration, and that will now be provided for by the new clause 54.

Now the Native Authority taking over this area will have to administer it. The moment that Native Authority takes over, what is to become of all the township laws—carrying of lights at night, etc. that existed in that township. Well obviously we must provide that the existing municipal legislation shall continue and be operative but for how long? The Bill provides for six months, unless in the meantime those various rules, orders, notices, etc. are replaced by the rules, etc. issued by the Native Authority under the increased powers which this Council is now vesting in Native Authorities. The introduction of those two clauses, which I think Council will accept, will necessitate a further amendment and that is the renumbering of all the remaining clauses in the Bill namely, amending clauses 54 to 90 as 56

to 92 inclusive and also making the proper cross reference in other sections.

Sir, I beg to move that the Bill be amended by inserting immediately after section 53 the following sub-heading and sections :—

“ 54. When any area or place which was formerly a township under the provisions of the Townships Ordinance, or any Ordinance amending or replacing that Ordinance, ceases to be a township and is thenceforth to be administered by a native authority all property formerly vested in the local authority and all streets, open spaces, township buildings and other township property whatsoever shall vest in such native authority and the Governor shall accordingly grant a certificate of registration as a corporate body to such native authority in respect of all such premises and property”.

“ 55. Where any native authority is granted a certificate of registration under the provisions of section 54 all rules, byelaws and notices made and issued by such local authority in respect of the particular area or place shall be enforced by the native authority as if it were the local authority which it has replaced, and any such rule, byelaw and notice shall remain in operation for a period of six months from the date of the grant or until such time, within that period, as it is replaced by a rule or order made under the provisions of this or any other Ordinance and for this purpose the native authority shall have power to revoke any or all of the rules, byelaws and notices so replaced ”.

and that the subsequent clauses be re-numbered accordingly and the necessary cross references be made throughout the Bill.

Amendment approved.

The Member for the Ibo Division (The Hon. B. O.-E. Amobi) :

This clause 54 Sir. I should just like to ask one or two questions. If the Native Authority is to take over all the streets, open spaces, township buildings and other township properties, how about bicycle licences and motor licences ?

The Hon. the Attorney-General :

If they are the property of the township they are taken over and also as the Honourable Member will see the native authority can enforce all rules, etc. as if made by the native authority so that fees, etc. will come to the native authority chest if they previously went to the local authority.

His Excellency :

I think some Honourable Member wishes to speak on this clause. During the second reading an Honourable Member raised the question of an Administrative Officer being appointed a Native Authority.

The Member for the Ibibio Division (The Hon. N. Essien) :

Hitherto I know, Sir, that District Officers are known as advisers to the Native Administration, but now that they are called Native Authorities and the majority of this House agrees it is so, well I submit. . . .

His Excellency :

I am afraid the Honourable Member has not quite grasped the situation. It is merely repeating the existing law. Under the existing law it is possible for me to appoint a District Officer as Native Authority in the event of the office being at the time vacant.

The Third Lagos Member (The Hon. Ernest Ikoli) :

What we would like to say is that you are making a new law.

His Excellency :

That is no argument against altering it. If the Honourable Membre thinks this also perhaps he would give his reasons. Perhaps it would be as well to have the comments of Their Honours the Chief Commissioners.

His Honour the Chief Commissioner, Western Provinces :

In the Western Provinces, I have never had occasion to make use of this provision.

His Excellency :

Perhaps His Honour will deal with the case of a man being deposed from the office of Native Authority.

His Honour the Chief Commissioner, Western Provinces :

In that case we appoint the Council as Native Authority. Quite strictly I should appoint the Council to act as Native Authority in most of the Western Provinces. Occasions might arise in cases of dispute when it would be impossible to get the Council to work together and in such cases it might be necessary to appoint a District Officer to take charge.

His Honour the Chief Commissioner, Eastern Provinces :

I have never made use of this provision and if I were to serve another twenty years in the country I do not think I should, unless some major catastrophe eliminated the greater part of the Native Authority in the Eastern Provinces.

His Honour the Chief Commissioner, Northern Provinces :

As far as I know this provision has not been enforced in the Northern Provinces. There is a case of a chief of a small native area who it is alleged embezzled certain funds and has actually been convicted on one major charge ; the other charge will probably go to the High Court ; it is impossible to appoint the Council in that case because the Council objects to being appointed and are divided amongst themselves ; unless they can come to an agreement in the very near future it may be essential to appoint an Administrative Officer to carry on the administration.

The Member for the Ibo Division (The Hon. B. O.-E. Amobi) :

There is one point, Sir, I would like made clear. When a District Officer is appointed to such a post does he act alone or with the Council members ?

His Excellency :

He would act with the Council if the Council is able to function. I think I should make it clear that I think it desirable to retain this provision in case of an emergency.

His Honour the Chief Commissioner, Northern Provinces :

I can give the Council assurance that the power will only be used in exceptional circumstances. A case might arise where on the death of a chief there was such a division of opinion in the Council itself as to who should succeed him that it might be impossible for them to carry on business amicably. I feel myself it might be a little dangerous to delete this provision, although it is highly improbable it will ever be used.

His Excellency :

Does the Honourable Member wish to press his amendment ?

The Member for the Ibibio Division (The Hon. N. Essien) :

I do wish to press my amendment Your Excellency.

Amendment not approved.

Clause 55.

The Honourable the Attorney-General :

Your Excellency, I beg to move that clause 55, now re-numbered 57, be deleted, and the following clause substituted :—

“ 57. When the Governor has made an appointment in the Colony under section 7 or has appointed an administrative officer to act under section 54 the relevant provisions of this Ordinance shall apply *mutatis mutandis* save that section 29 shall, for the purposes of this section, be construed as if for the words “a court presided over by a magistrate” there were substituted the words “a court presided over by a judge”.

This was a rather curious provision, Sir, and I think the amendment will appeal to those Honourable Members who are concerned about an Administrative Officer being appointed as a Native Authority. Under the existing law, Sir, the officer should do his duty but does not suffer any of the statutory pains and penalties for not doing it properly. The Government has decided that if an Administrative Officer is appointed a Native Authority he will be subject to all the pains and penalties of a Native Authority just as though he was a Native Authority appointed under the Ordinance. The existing provisions are therefore being tightened up, and I propose the clause be amended to read as I have suggested. The only difference between an Administrative Officer so appointed and a normal Native Authority is that when a Native Authority misbehaves himself he can be prosecuted before a Magistrate's Court, but in the case of an Administrative Officer he will be prosecuted before the Supreme Court or High Court.

His Excellency :

For the obvious reason that the Magistrate may happen to be junior.

Amendment approved.

Clause 57

The Honourable the Attorney-General :

Your Excellency I beg to move that clause 57, now re-numbered 59, be amended by inserting the word “over” immediately after the word “presided” in the definition of the word “court”.

Amendment approved.

Clauses 58 - 60.

The Third Lagos Member (The Honourable E. Ikoli) :

Does the Native Authority in this case, clause 60 Sir, mean a corporate body or an individual ?

His Excellency :

It may be either.

Clauses 61 - 90.

Schedule.

Title.

Council resumed.

The Honourable the Attorney-General :

Sir, I beg to report the Bill from committee with ten amendments. I beg to move that the Bill be now read a third time and do pass.

The Honourable the Deputy Chief Secretary :

I beg to second.

Bill read a third time and passed.

THE NATIVE AUTHORITY (SUBSTITUTION FOR NATIVE ADMINISTRATION)
ORDINANCE, 1943

The Honourable the Attorney-General :

Your Excellency, I beg to move the second reading of a Bill entitled
An Ordinance to provide for the substitution of the term Native Authority
for the term Native Administration where used in legislation ”.

The Honourable the Deputy Chief Secretary :

I beg to second.

Bill read a second time.

In committee.

Enactment.

Clauses 1 and 2.

Schedule.

The Honourable the Attorney-General :

Sir, I beg to move that the Schedule be amended by deleting in the Schedule
the references therein to the Native Administration (Legal Proceedings)
Ordinance, 1932.

Amendment approved.

Title.

Council resumed.

The Honourable the Attorney-General :

Sir, I beg to report the Bill from committee with one amendment. I beg
to move that the Bill be now read a third time and do pass.

Bill read a third time and passed.

Council adjourned at 4.30 p.m.

Debates in the Legislative Council of Nigeria

Friday, 26th March, 1943

Pursuant to notice the Honourable the Members of the
Legislative Council met in the Council Chamber, Lagos,
at 10 a.m. on Friday, the 26th of March, 1943.

PRESENT OFFICIALS

- The Governor,
His Excellency, Sir Bernard Bourdillon, G.C.M.G., K.B.E.
- The Chief Secretary to the Government,
The Honourable A. W. G. H. Grantham, C.M.G.
- The Chief Commissioner, Northern Provinces,
His Honour Sir Theodore Adams, Kt., C.M.G.
- The Chief Commissioner, Western Provinces,
His Honour G. C. Whiteley, C.M.G.
- The Chief Commissioner, Eastern Provinces,
His Honour G. G. Shute, C.M.G.
- The Attorney-General,
The Honourable H. C. F. Cox, K.C.
- The Acting Financial Secretary,
The Honourable C. Watts.
- The Director of Medical Services,
Dr. the Honourable J. W. P. Harkness, C.M.G., O.B.E.
- The Acting Director of Education,
The Honourable C. R. Butler, O.B.E.
- The Director of Marine,
Commander the Honourable A. V. P. Ivey, C.B.E., R.D., R.N.R.
- The Comptroller of Customs and Excise,
The Honourable A. E. V. Barton, C.B.E.
- The Deputy Chief Secretary,
The Honourable T. Hoskyns-Abrahall, C.M.G.
- The Senior Resident, Oyo Province,
The Honourable H. F. M. White, C.M.G.
- The General Manager, Nigerian Railway,
The Honourable C. E. Rooke.
- The Director of Public Works,
The Honourable S. J. W. Gooch.
- The Director of Agriculture,
Captain the Honourable J. R. Mackie, C.M.G.
- The Honourable W. C. C. King,
Commissioner of Police (Extraordinary Member).
- The Honourable G. L. Howe,
Solicitor-General (Extraordinary Member).
- The Honourable E. C. Crewe,
Postmaster-General (Extraordinary Member).

- The Honourable E. A. Miller,
Commissioner of Labour (Extraordinary Member).
The Honourable G. B. Williams, M.C.
Commissioner of the Colony (Extraordinary Member).

ABSENT

- The Senior Resident, Plateau Province,
The Honourable E. S. Pembleton, C.M.G.
The Senior Resident, Kano Province,
The Honourable J. R. Patterson, C.M.G.
The Senior Resident, Sokoto Province,
Comdr. the Honourable J. H. Carrow, D.S.C., R.N. (rtd.)
The Resident, Benue Province,
The Honourable D. M. H. Beck, M.C.
The Resident, Katsina Province,
The Honourable R. L. Payne.
The Resident, Zaria Province,
The Honourable F. M. Noad.
The Resident, Onitsha Province,
The Honourable D. P. J. O'Connor, M.C.
The Resident, Calabar Province,
Major the Honourable H. P. James.
The Resident, Ondo Province,
Major the Honourable J. Wann.

UNOFFICIAL MEMBERS

- The Member for the Ibo Division,
The Honourable B. O.-E. Amobi.
The Member for the Rivers Division,
The Honourable S. B. Rhodes, C.B.E.
The Member for Calabar,
The Rev. and Honourable O. Efiang.
The Member for the Ibibio Division,
The Honourable N. Essien.
The Member for the Ijebu Division,
Dr. the Honourable N. T. Olusoga.
The First Lagos Member,
The Honourable H. S. A. Thomas.
The Commercial Member for Kano,
The Honourable W. T. G. Gates.
The Second Lagos Member,
The Honourable Jibril Martin.
The Commercial Member for Lagos,
The Honourable J. F. Winter.
The Third Lagos Member,
The Honourable Ernest Ikoli.
The Member for Shipping,
The Honourable G. H. Avezathe.
The Member for the Colony Division,
The Rev. and Honourable T. A. J. Ogunbiyi.
The Member for the Egba Division,
The Honourable Olaseni Moore.
The Member for the Cameroons Division,
The Honourable J. Manga Williams.
The Commercial Member for Calabar,
The Honourable W. V. Wootton.

The Member for the Ondo Division,
 The Rev. and Honourable Cannon L. A. Lennon, M.B.E.
 The Commercial Member for Port Harcourt (Provisional),
 The Honourable John Crawford.
 The Banking Member (Provisional),
 The Honourable K. M. Oliver, M.C.

ABSENT

The Mining Member,
 Lt.-Colonel the Honourable H. H. W. Boyes, M.C.
 The Member for the Warri Division—(Vacant).
 The Member for the Oyo Division—(Vacant).

Prayers

His Excellency the Governor opened the proceedings of the Council with prayers.

Confirmation of Minutes

His Excellency :

Honourable Members will notice that in the Minutes there is no mention of the resolution which was passed yesterday approving the report of the Select Committee on the Income Tax Bill. I have ruled that resolution out of order because it was contrary to the proceedings of this House. Under the Standing Orders of this House a Bill reported from a Select Committee should be re-committed to a committee of the whole Council, and that is the proper procedure, to re-commit the Bill to the whole House and to consider the report of the Select Committee in committee. It is true that the same standing order goes on to say—"The report of a Select Committee shall be brought up by the Chairman, and may be ordered to be laid upon the table, or be otherwise dealt with, as the Council may direct". Well, according to the practice of the procedure in the House of Commons, the report of the Select Committee is printed and laid on the table as a matter of course and that is the procedure we always follow and followed yesterday. But it was then moved that the report be approved—as I have mentioned, clause 51 (3) says that the report of a Select Committee may be dealt with as Council may direct—the Council being taken rather by surprise, as I was myself, did direct that the report be approved. But that direction appears to me to be inconsistent with the previous sub-section of the Standing Order, and I have come to the conclusion that I can rule it out of order, and I have done so, therefore no reference appears in the Minutes.

The Minutes of the meeting held on the 25th of March, 1943, having been printed and circulated to the Honourable Members were taken as read and confirmed.

Questions

NOTE.—Replies to Questions No. 27 by the Honourable the Member for the Rivers Division, Nos. 43 and 44 by the Honourable the Member for the Ijebu Division, No. 53 by the Honourable the Member for the Ibo Division, No. 77 by the Honourable the Third Lagos Member, and Nos. 82-87 by the Honourable the Member for the Ijebu Division are not yet ready.

Resolutions

The Hon. the Acting Financial Secretary :

Your Excellency, I beg to move the following resolution standing in my name:—

"Be it resolved: That the Report of the Select Committee of Legislative Council appointed to consider the Bill entitled "An Ordinance to

“ consolidate and amend the law relating to Income Tax ” which was
 “ laid on the table on the 25th of March, be considered in committee
 “ of the whole Council.”

His Excellency :

The movement of that resolution appears to be unnecessary. By Standing Orders this is re-committed to Council without question put, and that disposes of all the resolutions which would be moved by the Attorney-General.

The Hon. the Chief Secretary to the Government :

Your Excellency, I beg to move the Resolution standing in my name, which reads as follows :—

“ Be it resolved : that the Report of the Select Committee appointed to
 “ consider the motion of the Honourable the Third Lagos Member
 “ regarding the financial position of Private Schools in Nigeria and
 “ the grant of recognition to them by way of payment of grants for
 “ their upkeep and maintenance, which was laid on the table on the
 “ 16th of March, be adopted.”

Your Excellency, I am assuming that all the Honourable Members have read and digested this concise and lucid report—I can say that because it was not written by myself ! The Report, Sir, speaks for itself. At the last session of Council the Honourable Third Lagos Member moved the following :—

“ Be it resolved : that the time has arrived for Government to consider
 “ the financial position of Private Schools in Nigeria and grant
 “ recognition to them by way of payment of grants for the upkeep and
 “ maintenance of those schools.”

Government at that time was unable to accept the resolution of the Third Lagos Member as it stood. It was therefore referred to a Select Committee and that Committee has now reported. I am happy to say, Sir, that the Committee has made its report unanimously and there was no difficulty about reaching unanimity.

In the opinion of the Committee, private schools may be divided into three categories. Those three categories will be found in paragraph 4 of the Committee's report, at the top of page 2 :—

- (a) Schools which are considered to be efficiently conducted which would—were it not for the principles governing the sanctioning of grants—qualify for assistance ;
- (b) Schools conducted with such efficiency that they might be reasonably expected to attain the standard of an assisted school if financial aid were available ;
- (c) Schools which are thoroughly inefficient and unsatisfactory.

In the opinion of the Committee, Sir, the first two categories should be eligible for Government grants, subject to certain conditions. The first of those is that the school, or group of schools if a group wishes to combine together, should induce a body of public spirited gentlemen to become trustees for the school or for the group of schools as the case may be. By forming a body of trustees continuity in the school is assured. One of the great drawbacks to a private school is that, in the event of the death or withdrawal from the school of the principal, there is no guarantee that the school will be carried on at all, or that, if it is carried on, it will be carried on as efficiently as it was in the past. That of course would have a very bad effect, and disrupt the education of the students of the school, therefore, with this Board of Trustees, continuity will be assured because they would select a suitable individual to carry on as principal on the disappearance, as it were, of the previous

principal. These gentlemen, having formed themselves into a governing body, would then register under the Lands Perpetual Succession Ordinance. That would give them a corporate status. That having been done, the owner of the private school would vest the school in the governing body, thus ensuring continuity in the running of this private school or schools as the case may be.

Before the body of trustees was incorporated under the Ordinance, it would be necessary for the Director of Education to approve of the names of the Trustees. The reason for that is that it is very necessary to ensure that only responsible persons form themselves into governing bodies of schools.

Similarly, after they had been incorporated, and before the school or schools which came within their purview were eligible for grants, it would be necessary, as in the case of all schools which had qualified for grants, to be inspected by the Department of Education.

That scheme, Sir, is, in the opinion of the Committee, one that will assist good private schools, and will, at the same time protect the public—the parents—from bad private schools.

It is not necessary for me, Sir, to say anything more on the report of this committee because, as I said at the beginning, the Report speaks for itself.

Sir, I beg to move.

The Third Lagos Member (The Hon. Ernest Ikoli) :

I beg to second.

Resolution adopted.

The Hon. the Director of Medical Services :

Your Excellency, I beg to move the resolution standing in my name, with one verbal alteration, to read as follows :—

“ Be it resolved : That this Council approves of the Director and

“ Members of the West African Yellow Fever Commission of the

“ International Health Board of the Rockefeller Foundation, New

“ York, shortly to arrive in Nigeria, being granted :—

(a) Free transport on Government Railways and steamers ;

(b) Passages at Government expense on non-Government steamers between Coast ports in Nigeria ;

(c) Free carrier transport within Nigeria ;

(d) Laying on of water and electricity free of charge ;

(e) Exemption from water and electricity charges ;

(f) Free use of telephones ;

and other minor facilities at the Governor's discretion ”.

The purpose of this resolution is to grant certain facilities as for a Government Department to the Research Unit of the Rockefeller Foundation which will shortly arrive in this country. It is unnecessary for me to recount to Honourable Members the great humanitarian purposes of the Rockefeller Foundation and the work which they have done already in this country and many countries of the world in investigation and research for the prevention and control of disease. The Foundation gives much of material value to the countries in which it works and asks little in return. The West African colonies are at present receiving free of cost from the Rockefeller Foundation all the supplies of Yellow Fever vaccine which are required for the preventive inoculation of persons and as a reserve for dealing with any serious epidemic of this disease which might appear in the country.

The maintenance of the Laboratory here will cost about £7,000, and the Rockefeller Foundation have asked that the West African Colonies should amongst them contribute the sum of £1,000 a year, which will be paid in

proportionate parts by the various colonies. The immediate work of the Laboratory will be to establish a large reserve supply of Yellow Fever vaccine-virus, to test periodically its activity and to distribute the supplies of vaccine to the various colonies as they are required.

The next work of the Research Unit will be to investigate problems in the occurrence and spread of Yellow Fever which still remain to be solved.

The renewal of the facilities which were given to the Rockefeller Foundation when they had staff previously working in this country is, I feel, a modest recognition of the appreciation of the colony for the benefits which the Foundation will give to it.

Sir, I beg to move.

The First Lagos Member (The Hon. H. S. A. Thomas) :

I beg to second.

Resolution adopted.

BILLS

THE INCOME TAX ORDINANCE, 1943

His Excellency :

Council will now go into committee to consider the Income Tax Bill, and there is before the committee now the Bill as amended in Select Committee. And here I should like to raise a question of procedure. As Honourable Members know, in case of doubt the Standing Orders and Rules of this House are interpreted in the light of the procedure followed in the House of Commons. Now, in the House of Commons, when a Bill which has been amended in Select Committee is re-committed, as in the case of this Bill, to a committee of the whole House, the practice is not to go through the Bill clause by clause as we usually do, but merely for individual amendments to be put in order. That is to say—taking this particular Bill—the first amendment moved in Select Committee is an amendment to clause 10. Well, I then ask Honourable Members if they have any amendments to propose in the clauses preceding clause 10. If not, no further action would be taken. Then the amendment proposed by Select Committee in clause 10 would be considered. I should then ask Honourable Members if they had any amendments to propose in the clauses between 10 and 22, which is the next clause to be amended, and so on. That is, I think, the correct proceeding in the light of the House of Commons practice. It has been our practice in the past, however, as far as I can remember, to go through the Bill clause by clause in committee on re-committal, and if Honourable Members prefer that we should continue to follow that practice I should raise no objection. I will put the question in this form, that in considering the reports of Select Committees now before us we follow the established practice in the House of Commons. Members who prefer we go through the Bill clause by clause say No.

The Member for the Rivers Division (The Hon. S. B. Rhodes, C.B.E.) :

Well, Sir, before you put the question, providing an undertaking will be given that all amendments will reach members before the day the Bill is considered.

His Excellency :

There will be a full opportunity to debate all amendments in Select Committee, and any member is at liberty to move an amendment in any clauses to which no amendment was suggested by committee. It is only a question of the way in which Honourable Members wish the Bill to be put.

The Member for the Rivers Division (The Hon. S. B. Rhodes, C.B.E.) :

Where for instance the House does not agree with amendments made by the Select Committee. . . .

His Excellency :

The House is at liberty to reject them. I will make it clearer. The House is at liberty to accept or reject the amendments suggested by Select Committee. Apart from that there are other clauses in which the Select Committee has decided to recommend no amendments. It is open to members of this committee to suggest amendments to those clauses if they wish to do so, and the only question is as to the way in which they should be given an opportunity of doing so. Normally when a Bill is committed direct to a committee of the whole House, they are given their opportunity by the clauses being read out one by one or in batches by the Clerk of the Council. Under the procedure of the House of Commons the Bill will not be read clause by clause, but before an amendment to any clause suggested by the Select Committee is put members will be given an opportunity to move amendments to the preceding clauses. The question is whether we adopt that procedure or read the Bill clause by clause.

It is agreed then that this House follow the procedure of the House of Commons, and we will proceed accordingly.

I will ask if any Honourable Member has an amendment to suggest in clauses 1 to 9 of the Bill.

The Member for the Rivers Division (The Hon. S. B. Rhodes, C.B.E.) :

I have Sir, in clause 9 (1) (s). I beg to move the insertion of the words "Executive or of the" before the words "Legislative Council".

His Excellency :

I think the House will accept that amendment without discussion.

The First Lagos Member (The Hon. H. S. A. Thomas) :

There is one point Sir, about members attending a committee, which is not mentioned here. Should it not read "attending meetings of the Council or of a committee of the Council" ?

His Excellency :

Perhaps the Attorney-General will give his opinion as to whether a meeting of the Council covers meetings of committees in Council.

The Hon. the Attorney-General :

I should say not Select Committees, Sir.

His Excellency :

Then the question is that clause 9 (1) (s) be amended by inserting the words "Executive or of the" before the words "Legislative Council"; by deleting the full stop at the end of the sentence, and by adding the words "or of a Committee thereof."

Amendment approved.

The Hon. the Acting Financial Secretary :

Sir, I beg to move that clause 10 (1) (e) be amended by deleting:—

- (1) the words "being mills, factories or other similar premises" in the third and fourth lines of the paragraph ;
- (2) the whole of the proviso and substituting the following—
 - " Provided that where any such plant, machinery, fixtures or premises is used for the purpose of a trade, business, profession, vocation or employment on such terms that the burden of the

“ wear and tear thereof falls upon the person by whom the business
 “ is carried on, but the plant, machinery, fixtures or premises do
 “ not belong to him, he shall be entitled to any deduction to which
 “ he would have been entitled, if the plant, machinery, fixtures or
 “ premises had belonged to him ; ”.

The reason for this amendment has I think been adequately though briefly explained in the Select Committee report. It does not seem possible in a country like Nigeria that depreciation should only exist in respect of mills or factory premises. There are other premises which depreciate, and the ordinary provision of permitting the upkeep of the building to be a charge on the profits is not sufficient. Further it does seem also that a depreciation rate of one per cent is somewhat at variance with the phrase “ just and reasonable ”.

There is also another point, Sir, in connection with rules which are to govern mining companies. Hitherto there has been no very real direction and the matter has been one of give and take. It is thought better for both sides that new and detailed rules should be formulated. There is no intention to formulate them without reference to those people for whom they are intended, and it is suggested a definite assurance should be given that their views will be studied and consulted first. And in using the words “ without prior consultation ” the Select Committee means not only “ without prior consultation ” but giving them adequate time to consult those whose advice they wish to take.

I move that clause 10 (1) as amended by Select Committee stand part of the Bill.

Amendment approved.

His Excellency :

Has any Honourable Member any amendments to propose in clauses 11 to 21 ? I will ask the Honourable mover of the Bill to read clause 22.

The Hon. the Acting Financial Secretary :

Sir, I move that clause 22 as reported on by the Select Committee be accepted in place of clause 22 as in the draft Bill.

The reason is this. A deduction is allowed under the Bill in respect of a married woman who is living with her husband or wholly maintained by him. But at present it is very difficult in certain cases for the wife, though maintained by her husband, to live with him here.

I move that clause 22 be amended as follows and do stand part of the Bill.

(1) By inserting the following paragraph after paragraph (c) :—

“ (d) he had a wife living outside Nigeria, in such circumstances that
 “ she is deemed to be living with him, in accordance with the provisions
 “ of sub-section (3) of section 33, there shall be allowed, in addition to the
 “ deduction provided under paragraph (a), a deduction of £100 ;

“ Provided that—

“ (i) If it be proved to the satisfaction of the Commissioner that
 “ during the year preceding the year of assessment such wife had been
 “ resident partly in Nigeria and partly out of Nigeria then the Commis-
 “ sioner may allow the deduction to be calculated in proportion to the
 “ period spent as a resident or non-resident ; in any such calculation any
 “ part of a month spent out of Nigeria shall be deemed to be a month ;
 “ (ii) the deduction allowed by this paragraph shall be granted only
 “ in respect of a wife resident outside Nigeria during the period ending
 “ the 31st day of March next after the date upon which the Emergency
 “ Powers (Colonial Defence) Order-in-Council, 1939, is revoked, or

“ during such further period as the Governor-in-Council may, by order, direct ; ”

(2) By re-numbering paragraphs (d), (e) and (f) as (e), (f) and (g) respectively.

Amendment approved.

His Excellency :

Are there any amendments to clauses 23, 24 or 25 ?

The Hon. the Acting Financial Secretary :

Clause 26, Sir. This is merely repeating the present law, and is meant to cover the case of pensionable people who pay income tax on pension, but, owing to the curious workings of Dominion income tax relief, pay more on their income from two sources than if they derived it from the United Kingdom. This gets over that difficulty by providing that the tax shall not exceed the maximum tax under the schedule.

I move, Sir, that clause 26 be amended as follows and do stand part of the Bill :—

(2) By adding the following proviso thereto—

“ Provided that in the case of a person other than a company, who is not resident in Nigeria, the tax shall not exceed that calculated under paragraph (a) of this section.”

Amendment approved.

The Hon. the Acting Financial Secretary :

Clause 27. This is rather a peculiar position for I am really moving that the Bill as drafted be not amended by the amendment of which I gave notice. The first intention to increase 5s to 10s has been abandoned and we return to 5s, the reason being there are three sorts of companies in Nigeria, companies incorporated in the United Kingdom and working locally, companies incorporated locally whose shareholders are in the United Kingdom and companies entirely local and locally managed. It is very difficult in the space of two and a half lines to frame varying rates of income tax. A condition fair to one company would not be fair in the case of others. I think it is better that rather than impose a rate of tax which might press heavily on local companies managed by Africans, it would be better for certain companies to avoid the full tax for which they should be made liable. I do, however, salt that steps should be taken to see that companies incorporated locally but which are really United Kingdom companies should not escape their fair share of taxation. It might be possible to make the tax 10s with retrospective effect at the next session.

I move that clause 27 as originally drafted be accepted.

Amendment approved.

His Excellency :

Any amendments in clauses 28 to 34 ?

The Hon. the Acting Financial Secretary :

Clause 35 Sir. This is purely an error in drafting.

I move that clause 35 be amended as follows and that it stand part of the Bill :—

By deleting the fullstop at the end of the proviso to paragraph (a) of sub-clause (1) and adding the following expression :—

“ except in such manner as is provided by section 23 ”

Amendment approved.

His Excellency :

Any amendments in the remaining clauses of the Bill or in the Title ?

Council resumed.

The Hon. the Acting Financial Secretary :

Sir, I beg to report the Bill from Committee with five amendments. I beg to move the Bill as amended be now read a third time and passed.

The Hon. the Commissioner of the Colony :

I beg to second.

Bill read a third time and passed.

THE SUPREME COURT ORDINANCE, 1943

His Excellency :

Council will go into Committee to consider the Attorney-General's Bills. The first amendment proposed by the Select Committee is in clause 5. Do any Honourable Members wish to suggest any amendments in clauses 1 to 4 ?

The Hon. the Attorney-General :

Sir, I beg to move that clause 5 be amended as follows :—

By *deleting* clause 5 and *substituting* the following :—

“ 5 (1) No person shall be appointed to be a judge of the Supreme Court unless :—

(a) he is qualified to practise as an advocate in a court in England, Scotland, Northern Ireland or some other part of His Majesty's dominions having unlimited jurisdiction either in civil or criminal matters ; and

(b) he has—

(i) practised as an advocate or solicitor in such a court for not less than five years, or

(ii) been a member of the colonial legal service for not less than five years.

(2) For the purpose of calculating such period of five years the periods falling within sub-paragraph (b) of sub-section (1) may be combined.”

Members will bear in mind that the Honourable Member for the Rivers Division raised on the Second Reading the question of the qualification of judges and he wanted to suggest that no judge should be appointed as a judge unless he had actually had five years practice instead of just being qualified. The Select Committee considered this and we had the advantage of having before us a despatch of several years ago in which the Secretary of State pointed out the different difficulties there were in actually found in filling certain appointments for which specific requirements were laid down. That was the reason for the original draft. The Committee has gone a step further than that and we feel that there is justification for the view that a man who has been entitled to practice his profession should not really be qualified unless he has taken some active interest in his profession for a certain number of years. Further, we are now of the opinion that the clause should be amended as shown in the list of amendments—but that he has either “ practised as an advocate or solicitor in such a court for not less than five years or been a member of the colonial legal service for not less than five years.” I think that is a very fair description of a necessary qualification. A man who has been a judge for four years—who has had private practice for four years and was then been appointed a judge for four years would under the amendment be able to come here as he will be able to give as his experience a total period of over five years. This will also include Crown Counsels, Magistrates and the like—those people who have actually been engaged in working in their profession for years.

His Excellency :

I suppose the Honourable the Attorney-General is satisfied with the draft of new clause 5, sub-clause (2) ?

The Hon. the Attorney-General :

I think so, Sir.

His Excellency :

" . . . the periods falling within sub-paragraph (b) of sub-section (1) may be combined. " ?

The Hon. the Attorney-General :

Well, Sir, I would be grateful if it could be made any clearer by anybody—I would welcome it.

His Excellency :

Would it not be better to say merely " the period falling within sub-paragraph (b) "—it looks as if the period means about five years and as if there are only two full periods of five years.

The Hon. the Attorney-General :

I suggest that, " For the purpose of calculating the period of five years periods of less than five years falling within sub-paragraph (b) of sub-section (1) may be combined. "

His Excellency :

The question is that in the amendment proposed by the Select Committee in clause 5 (2) for " the periods " there be substituted the words " periods of less than five years ".

Approved

Clauses 6-7

Clause 8

The Hon. the Attorney-General :

This is just a minor amendment to insert the words " on leave " between the words " on duty " and " of any judge. "

His Excellency :

Should there not be the word " or " ?

The Hon. the Attorney-General :

Yes, Your Excellency, " or on leave ". It simply means that in this case the next senior person acts automatically until someone else is appointed.

Approved.

Clauses 9-11.

Clause 12.

The Hon. the Attorney-General :

Clause 12, Sir. Sir, as we have heard earlier this morning there are proceedings pending and, therefore, we thought it better that, rather than use phrases in this legislation which will complicate matters simply because they exist to-day, we should alter it as follows :—

By deleting the expression " inheritance, testamentary disposition of property in the administration of an estate. " in the proviso and substituting the expression " inheritance or disposition of property on death. "

Approved.

Clauses 13-16.

Clause 17.

The Hon. the Attorney-General :

The Select Committee recommends the deletion of sub-clause (5) because, Sir, provision is made in the Evidence Ordinance for that particular matter. It is governed in the Evidence Ordinance by clauses 58 to 62. The Select Committee assume, Sir, that the Evidence Ordinance will be enacted. As I pointed out earlier it is a question of all or nothing.

The Member for the Calabar Division (The Rev. and Hon. O. Efiang) :

The clause suggested to be deleted, Sir, is very important in the opinion of the people. The native laws should be accepted as evidence, Sir, because if the minds of the people are altered and in evidence in the Court a slip of the tongue may be interpreted to mean so much and I feel, Sir, that documentary evidence should be accepted and, though it is incorporated in the Evidence Ordinance, I think it should still stand part of this Bill.

The Hon. the Attorney-General :

I am afraid the Honourable Member for the Calabar Division was not listening to what I said and that is that these provisions are incorporated in the Evidence Ordinance. I am very sorry the Honourable Member either did not follow me or appreciate what I said.

His Excellency :

I fear the Honourable Members did not understand the question. Those who are for the amendment should say "No." I shall put the question again.

Approved.

Clauses 18-56.

Clause 57.

The Hon. the Attorney-General :

The Select Committee's recommendation of a sub-clause to this clause is set out in the report, "(3) The Chief Justice may appoint any member of the judicial department to act temporarily in any of the offices specified in subsection (2)." The object of that, Sir, is to enable the Chief Justice in the administration of his department to appoint to act as Registrars those who are already in the department rather than have to obtain others from outside. It is purely internal administration, Sir.

Approved.

Clause 58.

Clause 59.

The Hon. the Attorney-General.

This clause can be deleted, Sir, because the subject is really covered by the ordinary criminal laws. It was originally put in in 1914 when possibly it was not covered by the ordinary criminal law.

Approved.

Clauses 60-70.

Clause 71.

The Hon. the Attorney-General :

This is one of the most important amendments I think, Sir, so far as legal practice is concerned. It is a question which has been under consideration by Government for several years and the Select Committee feels, Sir, that though Government deemed it necessary ten years ago when the Protectorate Courts came into existence it is not necessary now. It has been the practice

for a number of years for the Courts to call upon Counsel for advice over many matters and things and thus Counsel do appear. This will get over that difficulty and therefore the Committee have recommended the deletion of the whole clause but so that it may be quite clear what is meant recommend the substitution of the phrase, " Subject to the provisions of this or any other Ordinance legal practitioners may appear in any cause before the court."

His Excellency :

I have had very strong recommendations made by some of the judges on this subject and I have come to the conclusion that the time has come for Government to accept this change.

Approved.
Clauses 73-76.
Clause 77.

The Hon. the Attorney-General :

Clause 77—76 as renumbered. Sir, in the first line there is a reference to section 4 that should read, " sections 4 and 5."

Approved.
Clause 78.

The Hon. the Attorney-General :

When moving the first reading of this Bill, Sir, I explained that the object of this particular clause was to enable the necessary amendments to be made throughout our legislation but since the Bill has been published I have gone very carefully through the whole statute law, and have prepared a table showing the actual detailed amendments which would be necessary to make the statute books up to date. We have made a table, Sir, to assist people to make their books correct. I beg to move, Sir, that clause 78 be amended by re-numbering as clause 77 (1) and by adding the following sub-section :—
“(2) Notwithstanding the generality of the provisions of sub-section (1), the provisions set out in the second column of the Ordinances referred to in the first column of the First Schedule hereto are hereby amended to the extent and in the manner set out in the third column of the said schedule opposite to the said provisions in the said second column.”

Approved.
Clause 79.

The Hon. the Attorney-General :

Here, Sir, the word " all " should be substituted for the word " also " in the second line.

Approved.
First Schedule.

The Hon. the Attorney-General :

The first schedule in this Bill, Sir, is printed setting out those areas in which legal practitioners have the right to appear. In view of the amendments to clause 71 and to clause 77 we can now insert in its place a schedule of minor amendments. The schedule which has been attached to this report is actually the same as that which was laid on the table at the first meeting of this Council. Honourable Members will remember in it there was a reference to section AAAAA.

I accordingly move the substitution of this new schedule under which all minor amendments to the statute law can be seen.

Approved.

Council resumed.

The Hon. the Attorney-General :

Sir, I beg to report the Bill from committee with eleven amendments. I beg to move that the Bill be now read a third time and do pass.

The Hon. the Solicitor-General :

I beg to second.

Bill read a third time and passed.

THE MAGISTRATES' COURT ORDINANCE, 1943

In committee.

Clauses 1-5.

Clause 6.

The Hon. the Attorney-General :

Sir, you appoint Magistrates but the actual posting, internal administration, rests with the Chief Justice. I beg to move that clause 6 be amended by substituting the expression "When the Chief Justice assigns" for the expression "Where the Governor appoints" in sub-clause (2). This is purely internal administration, Sir.

Approved.

Clause 7.

Clause 8.

The Hon. the Attorney-General :

There are two minor amendments, Sir. I beg to move that clause 8 be amended by substituting the word "or" for the word "and" and by deleting the full stop at the end thereof and adding "by the Chief Justice."

Clauses 9-14.

Clause 15.

The Hon. the Attorney-General :

Clause 15, Sir. The committee recommends two amendments to this. The original clause 15 should be deleted and there be substituted :—

"(1) The Chief Justice, may with the approval of the Governor, appoint a fit and proper person to be the registrar of each court.

(2) The Chief Justice may appoint any member of the Judicial Department to act temporarily as registrar of any court."

This will mean that the Chief Justice may appoint persons already in the Government service in the Judicial Department to act as Registrars. It does not apply in the matter of first appointments.

Approved.

Clause 16.

Clause 17.

The Hon. the Attorney-General :

I beg to move, Sir, that the words "or any other officer" be inserted after the word "registrar." That is simply again, Sir, internal administration, to simplify the machinery of the Courts.

Approved.

Clause 18.

Clause 19.

The Hon. the Attorney-General :

The amendments suggested by the committee—there are two, Sir, are first of all in connection with civil jurisdiction. A magistrate's court may be given extended jurisdiction by another Ordinance and it is necessary to provide for this. You will notice, Sir, that the necessary phrase appears

at the beginning of clause 20 in respect of criminal jurisdiction. The second amendment affects the proviso and as the Bill is drafted it will be seen that a magistrate has no original jurisdiction in suits which raise any issue as to the title to land or as to the title to any interest in land, or in which the validity of any devise, bequest, or limitation under any will or settlement is or may be disputed, or of any action for malicious prosecution, libel, slander, seduction, or breach of promise of marriage, or in any matter which is subject to the jurisdiction of a native court relating to marriage, family status, guardianship of children, inheritance, testamentary disposition or the administration of an estate."

There is no reason why actions in respect of malicious prosecution, libel, slander, seduction or breach of promise of marriage should not be brought in magistrates' courts where the complainant is prepared to claim only small damages and save himself the expense of litigation in the Supreme Court more especially as the damages usually awarded in these cases are by force of circumstances, generally low. At the same time it is necessary for us to amend the last three or four lines of this proviso to make it correspond with the similar provisions in the Supreme Court Bill for reasons which I gave when moving the amendment in connection with that Bill. The effect of the amendment proposed by the Select Committee will mean that actions in connection with matters to which I have referred will lie as they will no longer be excluded by the proviso and will be subject to the jurisdiction of the magistrates' courts and the last two or three lines of the proviso will be altered to correspond with the amendments made in the Supreme Court Bill.

The Hon. the Comptroller of Customs and Excise :

May I point out that the form of the first amendment should be different. It should be the insertion of the words "Subject to the provisions of this or any other Ordinance" and then should follow sub-section (1). I am thinking of Customs cases. Customs law provides for a man to be dealt with in a Magistrate's Court, so that the amendments should apply to the whole clause and not merely to part of it.

The Hon. the Attorney-General :

The Honourable Member's amendment if accepted will mean that a Magistrate of the first grade will be able to try a case no matter what the pecuniary penalty or period of prison may be so long as it is so provided for by the ordinance. That is what is intended but, it will also affect sub-clause (2) and as sub-clause (2) refers to Magistrates in the second and third grade it will mean that Magistrates of the second or third grade will also have similar powers. Well, Magistrates of the third grade are specifically considered by Your Excellency as not being competent to perform greater powers than those given them and it is therefore for that reason that their jurisdiction is limited. The cases referred to by the Comptroller of Customs should be dealt with by a magistrate of the first grade.

The Hon. the Comptroller of Customs and Excise :

That applies equally to the first grade. These people in the first grade are supposed not to deal with penalties exceeding £200. All I am concerned with now is this. We have petty smuggling cases, but whether the penalty is over £200 or £100 there is no doubt about the ability of a magistrate to try these cases, and Customs law provides that *any* magistrate may deal with a case.

The Hon the Attorney-General :

No magistrate of the second or third grade can personally impose greater penalty than is provided for in this Ordinance. No magistrate of limited powers can impose a greater penalty than £25, no matter what the penalties provided by law. You are giving Grade III magistrates jurisdiction up to £25, Sir, and no more as you do not consider them competent for increased jurisdiction.

The Hon. the Comptroller of Customs and Excise :

May I read a section of the Customs Law, Sir ?

“ A magistrate shall have jurisdiction in every Customs prosecution when the amount of the penalties claimed by the Crown or the value of any property sought to be forfeited does not exceed one hundred pounds, anything in any other Ordinance to the contrary notwithstanding.”

The Hon. the Attorney-General :

Yes, Sir, but that was at a time when the maximum jurisdiction of a magistrate court was £50 and all magistrates had equal jurisdiction ; now the magistrates are being given jurisdiction up to £200 according to their ability and accordingly while it is necessary to provide that such matters may come before a magistrate court as is provided by the section quoted, yet it is impracticable to say that a magistrate who is only qualified to deal with minor matters may deal with what may be very important matters, matters which may perhaps extend to an amount many times greater than Your Excellency considers him fit to have jurisdiction.

I admit a magistrate court must be the proper place in which such jurisdiction should be vested but not that a sweeping amendment should be made giving those magistrates who are known as not being capable of handling such matters the same personal jurisdiction in all such matters as is vested in the magistrates of the highest grade. Your Excellency, the difference here is not whether a magistrate's court should have jurisdiction—it is clear it should have and it has—but whether the amendment now being made should automatically vest in magistrates whom you do not consider experienced or capable of having jurisdiction above £25 or three months full jurisdiction in all matters which may be dealt with on summary conviction or in a summary manner in a magistrate court, that would apply in this case where the penalty is up to £100 and also in matters under the Liquor Ordinance where the offence is one carrying with it a fine of £500 and imprisonment up to a term totalling five years. I cannot support and advise you to accept an amendment which will have such sweeping effect. Give the court jurisdiction, but not of necessity any individual presiding at any moment over the court.

The Hon. the Comptroller of Customs and Excise :

I shall raise the question on another occasion, Sir.

The First Lagos Member (The Hon. H. S. A. Thomas) :

May I raise a point with regard to this section, Sir. Hitherto the magistrate had power to impose a penalty of £100. Now we are increasing it to £200, which means that now we are increasing jurisdiction to £200. Those in the Supreme Court who had the benefit of the Supreme Court for any offence or jurisdiction for £100 have now to go to a Magistrate's Court, and I think that is not fair, to take away the rights of the people in the Supreme Court. They had the right of being tried by a jury before, now they are all being tried by magistrates. I therefore suggest that the penalty should be reduced to £100.

The Hon. the Attorney-General :

Your Excellency, the argument my honourable friend is using is one that appears to have some merit, but in point of fact his statement that we are taking away jurisdiction is wrong, Sir. The Supreme Court is a Court of absolute jurisdiction. It can try a man for anything whatsoever, no matter what the penalty is. The Honourable Member thinks it is provided that magistrates in general may themselves impose greater penalties. This Bill only applies to those magistrates who will be members of the actual professional bench of the Judicial Department. It has been found necessary to relieve the Superior Courts of a lot of petty assize work. This was put up on the definite recommendation of the Chief Justice that jurisdiction should be increased. It only applies to those restricted few magistrates in the first grade.

Sir, I beg to move that clause 19 be amended as follows :—

(1) By substituting the expression " Subject to the provisions of this or any other Ordinance a " for " A " in the first line of sub-clause (1), and

(2) In the proviso to sub-clause (1) *delete* all thereof after the expression " disputed," and *substitute* " or in any matter which is subject to the jurisdiction of a native court relating to marriage, family status, guardianship of children, inheritance or disposition of property on death".

Amendment approved.

His Excellency :

Any amendments in clauses 20 to 32 ?

The Hon. the Attorney-General :

Clause 33, Sir. It is exactly the same as the corresponding clause in the Supreme Court Ordinance. I beg to move that this clause be amended be deleting sub-clause (5).

Amendment approved.

His Excellency :

Any amendments in clauses 34 to 37 ?

The Hon. the Attorney-General :

Clause 38, Sir. I move that this clause be amended by deleting the words " where the Governor appoints " and substituting " When the Chief Justice assigns."

Amendment approved.

His Excellency :

Any amendments in clauses 39 to 44 ?

Clause 45.

The Hon. the Attorney-General :

The Committee recommend that this clause be amended as follows Sir :—
By re-numbering as " 45 (1) " and adding the following sub-clauses thereto :—

" (2) Upon receipt of such list the judge may, if he thinks fit, call for a copy of the record of any case included therein, and, either without seeing such record or after seeing such record as he may determine, and either without hearing argument or after hearing argument as he may determine, may—

(a) subject to any enactment fixing a minimum penalty, reduce a sentence or modify an order in such form as he thinks fit ; or

- (b) annul the conviction, in which case the person under detention shall be forthwith set at liberty, or in the case of a fine such fine if already paid, shall be refunded to the person fined, or if security has been required and given he shall be freed from such security ; or
- (c) annul the conviction and convict the accused of any offence of which he might have been convicted on the evidence, and sentence him accordingly ; or
- (d) annul the conviction and substitute a special finding to the effect that the accused was guilty of the act or omission charged, but was insane so as not to be responsible for his action at the time when he did the act or made the omission, and order the accused to be confined as a criminal lunatic in a lunatic asylum, prison, or other suitable place of safe custody and shall report the case for the order of the Governor; or
- (e) order a new trial before the court which passed sentence or before any other court ; or
- (f) order further evidence to be taken either generally or on some particular point by the court which passed sentence or by any other court, and order in the meantime any person who shall have been convicted and imprisoned to be liberated on bail or on his own recognisance ; and
- (g) make any order as justice may require, and give all necessary and consequential directions :

Provided that when a person convicted shall have appealed against such conviction, or when the magistrate shall have reserved any point of law for the consideration of the Supreme Court and shall have stated a case thereon, the judge shall not exercise the power by this section conferred until after the conclusion of the proceedings upon such appeal or stated case.

(3) When action upon the list as prescribed in sub-section (1) is complete or if the judge shall decide to take no such action, he shall direct that the list be filed ; but such direction shall not have the effect of preventing him or his successor from subsequently taking any action prescribed in sub-section (1) if he shall think fit :

Provided that three months after the last day of the month to which the list relates he shall become *functus officio* in respect of all cases upon the list in respect of which he shall not up till then have taken any action."

I must admit, Sir, that as the person chiefly responsible, I was surprised to find that sub-clause (2) had been omitted. I think it must have been due, I know it was, to the fact that we had other Bills dealing with this subject but not yet before the Council. Included in one of these was the provision relating to the monthly list forwarded to Judges. But there is a difference as now suggested, Sir, to the existing practice and that is that not every magistrate will forward a monthly list but only those which the Chief Justice wishes should be sent to him.

Amendment approved.

His Excellency :

Any amendments in clauses 46 to 63 ?

The Hon. the Attorney-General :

Sir, I move that clause 64 be deleted and be amended by substituting the following :—

64. Subject to the provisions of this or any other Ordinance legal practitioners may appear in any cause before the court.

This is a similar amendment to that in respect of the Supreme Court Ordinance.

Amendment approved.

The First Lagos Member (The Hon. H. S. A. Thomas) :

Clause 64 Sir. May I take it that a Magistrate's Court can try a sentence of death ?

The Hon. the Attorney-General :

That particular clause has all gone, Sir, by the amendment just made. I do not know whether the Honourable Member is speaking as a matter of interest or raising an amendment to the amendment just made.

The First Lagos Member (The Hon. H. S. A. Thomas) :

I am merely asking if a Magistrate's Court can try a murder case in court.

The Hon. the Attorney-General :

He did not try such a case ; but there may be one before him under review where the conviction is manslaughter—not murder ; and in such a case he can vary the sentence, but that old section has gone.

His Excellency :

Any amendment in clause 65 ?

The Hon. the Attorney-General :

Clause 66 Sir. The Committee recommend that this clause be amended as follows :—

By re-numbering as sub-clause (1) and adding the following sub-clause thereto :—

“(2) All rules of court together with the practice and procedure of courts presided over by magistrates existing on the coming into operation of this Ordinance shall, in so far as they are not in conflict with the provisions of this Ordinance, remain, within the area in which they were operative, in full force and effect, with such modifications as may be necessary to make them applicable to the provisions of this Ordinance, unless and until other provision, whether by Ordinance or rule of court, is made regulating the practice and procedure in such courts.”

The necessity for this has now arisen because it was hoped that at the time this Ordinance was passed a simple ordinance and set of rules would be ready for use in the Magistrates Court, but as they are not ready, we have had to make this provision so as to enable conditions to continue.

Amendment approved.

The Hon. the Attorney-General :

With regard to the Schedule, this will have to be deleted in consequence of the amendment to clause 64.

Amendment approved.

Council resumed.

The Hon. the Attorney-General :

Sir, I beg to report the Bill from committee with thirteen amendments, and beg to move that the Bill as amended be now read a third time and do pass.

The Hon. the Solicitor-General :

I beg to second.

Bill read a third time and passed.

THE JURY ORDINANCE, 1943

His Excellency :

Council will go into committee to consider the report of the Select Committee on the Jury Ordinance.

Clauses 1-6.

The Hon. the Attorney-General :

Sir, I beg to move that clause 6 be amended by substituting for the expression "Officers and servants of the post office and customs departments and of the Nigeria Railway" the following expression "Officers and servants of the posts and telegraphs department and the customs department and of the Nigerian Railway".

Amendment approved.

Clauses 7-45.

The Hon. the Attorney-General :

Sir, I beg to move that clause 45 be amended by deleting the expression "If the accused elects to give evidence but no witnesses were called" and substituting "Subject to the provisions of sections 48 and 49 if the accused elects to give evidence but no other witnesses are called".

Clause 46.

I also beg to move that clause 46 be amended by deleting the expression "Where more than one person is charged at the same time and one or more elect to give evidence but no witnesses are called" and substituting "Subject to the provisions of sections 48 and 49 where more than one person is charged at the same time and one or more elect to give evidence but no other witnesses are called".

Clauses 47-71

I also beg to move that clause 71 be amended by numbering the second paragraph of sub-clause (2) as sub-clause (3) and by re-numbering sub-clause (3) as sub-clause (4).

Clauses 72-90

I also beg to move that clause 90 be amended by deleting the first two lines and substituting the following:—

"90. The heading immediately before section 103, sections 103 to 105 and Parts V and VI of the Criminal Procedure Ordinance is hereby repealed".

Amendments approved.

Schedule.

Council resumed.

The Hon. the Attorney-General :

Sir, I beg to report the Bill from committee with five amendments, and beg to move that the Bill as amended be now read a third time and do pass.

The Hon. the Solicitor-General :

I beg to second.

Bill read a third time and passed.

THE CRIMINAL PROCEDURE (AMENDMENT) ORDINANCE, 1943

His Excellency :

The Council will go into committee to consider the report of the Select Committee on the Criminal Procedure Ordinance.

The Hon. the Attorney-General :

Sir, I beg to move that the second schedule be amended by inserting in the second column opposite "The heading before section 190" in the first column the words "By deleting the whole".

Amendment approved.

Council resumed.

The Hon. the Attorney-General :

Sir, I beg to report the Bill from committee with one amendment, and beg to move that the Bill as amended be now read a third time and do pass.

Bill read a third time and passed.

THE EVIDENCE ORDINANCE, 1943

His Excellency :

Council will go into committee to consider the report of the Select Committee on the Evidence Ordinance.

The Hon. the Attorney-General :

Sir, I beg to move that clause 1 be amended by deleting paragraph (b) of sub-clause (2) and substituting "(b) a field general court martial; nor"

As the Bill is drafted it provides that this Ordinance will not apply to courts martial held under the provisions of the Army Ordinance. Actually, Sir, the provisions of the Army Act apply only to field general courts martial. We have no control over them because they only take place when a court martial is held outside Nigeria, therefore it must be clear that we cannot expect this Ordinance to apply outside of Nigeria in respect of a particular type of court martial such as laid down by the Army Act.

Amendment approved.

The Hon. the Attorney-General :

I beg to move that clause 2 be amended as follows :—

Clause 2 (1) In the definition "fact in issue" by inserting the word "from" between the words "fact" and "which" in the first line; and

Clause 2 (2) In paragraph (a) by substituting the word "upon" for "under", and in paragraph (b) by substituting the words "in the circumstances of" for the word "under" and the word "upon" for the word "on".

Amendments approved.

The Hon. the Attorney-General :

I beg to move that clause 33 (1) be amended by inserting the words "may have" between the words "he" and "entertained" in the penultimate line.

Amendment approved.

The Hon. the Attorney-General :

I beg to move that clause 34 (1) be amended by substituting the word "in" for the word "under" in the penultimate line.

Amendment approved.

The Hon. the Attorney-General :

I beg to move that clause 68 (3) be amended by substituting the expression "paragraph (d) of the proviso to section 159" for the expression "proviso (d) of section 159".

Amendment approved.

The Hon. the Attorney-General :

Sir, I beg to move that clause 86 be amended by substituting the words "An affidavit" for the word "It"

Amendment approved.

The Hon. the Attorney-General :

Sir, I beg to move that clause 87 be amended by substituting the word "person" for the word "witness".

Amendment approved.

The Hon. the Attorney-General :

Sir, I beg to move that clause 88 be amended by substituting the word "such" for the word "his".

Amendment approved.

The Hon. the Attorney-General :

Sir, I beg to move that clause 89 be amended by substituting the word "deponent" for the word "witness" in the four places where it occurs therein.

Amendment approved.

The Hon. the Attorney-General :

Sir, I beg to move that clause 97 be amended by substituting the word "in" for the word "under".

Amendment approved.

The Hon. the Attorney-General :

Sir, I beg to move that clause 107 be amended by substituting a colon for the full stop at the end of sub-clause (2) thereof and adding the following proviso :—

" Provided that where an accused person does not give evidence he may not be so directed to write any words or figures or to make finger impressions ".

Amendment approved.

The Hon. the Attorney-General :

Sir, I beg to move that clause 109 be amended by deleting, and substituting the following :—

" 109. All documents other than public documents are private documents."

Amendment approved.

The Hon. the Attorney-General :

Sir, I beg to move that clause 131 (3) be amended by substituting "relationship" for "relation" in the first line thereof.

Amendment approved.

The Hon. the Attorney-General :

Sir, I beg to move that clause 177 be amended by re-numbering as clause 177 (1) and adding the following sub-clause :—

(2) Where accused persons are tried jointly and any of them gives evidence on his own behalf which incriminates a co-accused the accused who gives such evidence shall not be considered to be an accomplice.

Amendment approved.

The Hon. the Attorney-General :

Sir, I beg to move that clause 199 be amended by deleting " proviso (d) to section 159 " and substituting " paragraph (d) of the proviso to section 159 ".

Amendment approved.

The Hon. the Attorney-General :

Sir, I beg to move that clause 209 be amended by inserting " or with the consent of the court by the party who calls him " immediately after the word " him " in the second line.

Amendment approved.

Council resumed.

The Hon. the Attorney-General :

Sir, I beg to report the Bill from committee with seventeen amendments. I beg to move that the Bill as amended be now read a third time and do pass.

The Hon. the Solicitor-General :

I beg to second.

Bill read a third time and passed.

His Excellency :

Council will now adjourn for ordeal by photography, and Council will resume at 2.30 p.m. this afternoon.

Council adjourned at 11.34 a.m.

Council resumed at 2.30 p.m.

THE DIRECT TAXATION (AMENDMENT) ORDINANCE, 1943

The Hon. the Attorney-General :

Sir, I beg to move the second reading of a Bill entitled :—

An Ordinance to amend the Direct Taxation Ordinance, 1940.

The Hon. the Commissioner of the Colony :

I beg to second.

Bill read a second time.

In committee.

Enactment.

Clauses 1 and 2.

Title.

Council resumed.

The Hon. the Attorney-General :

Sir, I beg to report the Bill from committee without amendment, and I beg to move that the Bill be now read a third time and passed.

The Hon. the Commissioner of the Colony :

I beg to second.

Bill read a third time and passed.

THE CRIMINAL CODE (AMENDMENT) ORDINANCE, 1943

The Hon. the Attorney-General :

Sir, I beg to move the second reading of a Bill entitled :—

An Ordinance to amend the Criminal Code.

The Hon. the Commissioner of the Colony :

I beg to second.

Bill read a second time.

In committee.

Enactment.

Clauses 1 to 6.

Title.

Council resumed.

The Hon. the Attorney-General :

Sir, I beg to report the Bill from committee without amendment, and beg to move that the Bill be now read a third time and passed.

The Hon. the Commissioner of the Colony :

I beg to second.

Bill read a third time and passed.

THE WIDOWS' AND ORPHANS' PENSION (AMENDMENT) ORDINANCE, 1943

The Hon. the Attorney-General :

Sir, I beg to move the second reading of a Bill entitled :—

An Ordinance to amend the Widows' and Orphans' Pensions Ordinance.

The Hon. the Acting Financial Secretary :

I beg to second.

Bill read a second time.

In committee.

Enactment.

Clauses 1 to 8.

Title.

Council resumed.

The Hon. the Attorney-General :

Sir, I beg to report the Bill from committee without amendment. I beg to move that the Bill be now read a third time and passed.

The Hon. the Acting Financial Secretary :

I beg to second.

Bill read a third time and passed.

THE FORESTRY (AMENDMENT) ORDINANCE, 1943

The Hon. the Attorney-General :

Sir, I beg to move the second reading of a Bill entitled :—

An Ordinance to amend the Forestry Ordinance, 1937.

The Hon. the Chief Secretary to the Government :

I beg to second.

Bill read a second time.

In committee.

Enactment.

Clauses 1 to 6.

Title.

Council resumed.

The Hon. the Attorney-General :

Sir, I beg to report the Bill from committee without amendment. I beg to move that the Bill be now read a third time and passed.

The Hon. the Chief Secretary to the Government :

I beg to second.

Bill read a third time and passed.

THE WRECKS AND SALVAGE (AMENDMENT) ORDINANCE, 1943

The Hon. the Director of Marine :

Sir, I beg to move the second reading of a Bill entitled :—

An Ordinance to amend the Wrecks and Salvage Ordinance (Chapter 105).

The Hon. the Deputy Chief Secretary :

I beg to second.

Bill read a second time.

In committee.

Enactment.

Clauses 1 to 3.

Title.

Council resumed.

The Hon. the Director of Marine :

Sir, I beg to report the Bill from committee without amendment. I beg to move that the Bill be now read a third time and passed.

The Hon. the Deputy Chief Secretary :

I beg to second.

Bill read a third time and passed.

THE NATIVE COURTS (COLONY) (SESSIONS AND REVIEW—AMENDMENT)
ORDINANCE, 1943

The Hon. the Commissioner of the Colony :

Sir, I beg to move the second reading of a Bill entitled :—

An Ordinance to amend the Native Courts (Colony) Ordinance, 1937.

The Hon. the Deputy Chief Secretary :

I beg to second.

Bill read a second time.

In committee.

Enactment.

Clauses 1 to 5.

Title.

Council resumed.

The Hon. the Commissioner of the Colony :

Sir, I beg to report the Bill from committee without amendment. I beg to move that the Bill be now read a third time and passed.

The Hon. the Deputy Chief Secretary :

I beg to second.

Bill read a third time and passed.

THE 1940-41 SUPPLEMENTARY APPROPRIATION (AMENDMENT)
ORDINANCE, 1943

The Hon. the Acting Financial Secretary :

Sir, I beg to move the second reading of a Bill entitled :—

An Ordinance to amend the 1940-41 Supplementary Appropriation Ordinance, 1942.

The Hon. the Deputy Chief Secretary :

I beg to second.

Bill read a second time.

In committee.

Enactment.

Clauses 1 and 2.

Title.

Council resumed.

The Hon. the Acting Financial Secretary :

Sir, I beg to report the Bill from committee without amendment. I beg to move that the Bill be now read a third time and passed.

The Hon. the Deputy Chief Secretary :

I beg to second.

Bill read a third time and passed.

THE MEDICAL PRACTITIONERS AND DENTISTS (AMENDMENT) ORDINANCE,
1943

The Hon. the Director of Medical Services :

Sir, I beg to move the second reading of a Bill entitled :—

An Ordinance to amend the Medical Practitioners and Dentists Ordinance, 1934.

The Hon. the Deputy Chief Secretary :

I beg to second.

Bill read a second time.

In committee.

Enactment.

Clauses 1 and 2.

Title.

Council resumed.

The Hon. the Director of Medical Services :

Sir, I beg to report the Bill from committee without amendment. I beg to move that the Bill be now read a third time and passed.

The Hon. the Deputy Chief Secretary :

I beg to second.

Bill read a third time and passed.

THE VENEREAL DISEASES ORDINANCE, 1943

The Hon. the Director of Medical Services :

Sir, I beg to move the second reading of a Bill entitled :—
An Ordinance relating to Venereal Diseases.

The Hon. the Deputy Chief Secretary :

I beg to second.

The First Lagos Member (The Hon. H. S. A. Thomas) :

Sir, I rise to congratulate Government on the introduction of this Bill. It has come none too soon, and I hope the Medical Department will do all it can to establish departments in other places.

The Member for the Ijebu Division (Dr. the Hon. N. T. Olusoga) :

Sir, I rise to congratulate Government, and at the same time would like to make one or two observations. First, that as the law stands women cannot be compelled to be examined and if that continues it will be difficult to discriminate in this way unless some measure is considered. Another thing is that at present we have so many medical preparations on the market, and I think the sale of these preparations should be controlled and restricted to the public.

The Third Lagos Member (The Hon. Ernest Ikoli) :

Your Excellency, I support the observations of the First Lagos Member as regards this Bill—I don't think it has come too soon. It is not a very pleasant subject to discuss, but I think in this country we have got to face questions of this kind in a realistic way. I am asking Sir, that, in addition to whatever the Medical Department may do, a campaign of the most intensive kind should be started in conjunction with the Information Department. I am very glad we have this Department, which has been formed as a war measure, and I only hope it will stay and not be dissolved after the war, because I think it serves a most useful purpose in this country, and I do not think it can help more than in a case of this kind. I do hope when the Medical Department start working on this Bill that they will seek the assistance of the Information Office and that a real intensive campaign may be carried out in accordance with the provisions of this Bill. I heartily support it.

The Member for the Rivers Division (The Hon. S. B. Rhodes, C.B.E.) :

Your Excellency, I would like to say that about six weeks ago I was listening on the radio to a discussion about a similar Bill for the House of Commons in England and I am asking, Sir, that we await procedure as to how it is put

into effect in England and apply the same procedure here. Considering what the Member for Ijebu has said, if a woman cannot be compelled to be examined something should be done.

The Hon. the Director of Medical Services :

Your Excellency, myself and my Department are grateful for the reception of this Bill. I can assure Honourable Members that the provisions with regard to examination of the people which are in this Bill are no different in essence from the recent rules introduced in England. The Bill will be administered I hope with tact and humanity.

With regard to medical preparations, Sir, we are now working on a revised Pharmacy Ordinance which will arrange for the control of various preparations used or advertised for treatment and also deal with the subject of improper advertisement of drugs. It will take some little time to get out the rules and procedure for this Bill, but we shall consult all branches of the profession in doing so.

Bill read a second time.

In committee.

Enactment.

Clause 1.

The Hon. the Director of Medical Services :

Sir, I beg to move that clause 1 be amended by deletion of this clause and the substitution of the following :—

“ 1. (1) This Ordinance may be cited as the Venereal Diseases Ordinance, 1943, and shall apply to the township of Lagos and shall come into operation on a date to be fixed by the Governor by notice in the Gazette.

(2) The Governor in Council may by Order in Council direct that the whole Ordinance or any section or part of a section thereof shall apply with such exceptions, adaptations and modifications as may be specified in any such Order in Council, to the rest of Nigeria, or to any part of the rest of Nigeria.”

The purpose of this amendment, Sir, is to allow us, over the length and breadth of the country, to bring in such parts of the Bill as we have staff and means and time to apply. It will be possible in some cases to apply the whole Bill to the whole country, and this amendment provides for it being brought in in part or whole, as Your Excellency may decide.

Amendment approved.

Clause 2.

The Hon. the Director of Medical Services :

Sir, I beg to move that clause 2 be amended by inserting the words “ or by a town council or by a local authority ” immediately after the word “ government ” in the last line of the definition of “ medical officer of health ”. This is to provide for a Medical Officer of Health who may be employed by a local Council or local Authority.

Amendment approved.

Clauses 3 to 16.

Title.

Council resumed.

The Hon. the Director of Medical Services :

Sir, I beg to report the Bill from committee with two amendments. I beg to move that the Bill as amended be now read a third time and passed.

The Hon. the Deputy Chief Secretary :

I beg to second.

Bill read a third time and passed.

THE RAILWAYS (AMENDMENT) ORDINANCE, 1943

The Hon. the General Manager of the Railway :

Sir, I beg to move the second reading of a Bill entitled :—

An Ordinance to amend the Railways Ordinance.

The Hon. the Acting Financial Secretary :

I beg to second.

Bill read a second time.

In committee.

Enactment.

Clauses 1 and 2.

Title.

Council resumed.

The Hon. the General Manager of the Railway :

Sir, I beg to report the Bill from committee without amendment. I beg to move that the Bill be now read a third time and passed.

The Hon. the Acting Financial Secretary :

I beg to second.

Bill read a third time and passed.

THE TOWNSHIP LOCAL AUTHORITY SERVANTS' PROVIDENT FUND
(AMENDMENT) ORDINANCE, 1943**The Hon. the Acting Financial Secretary :**

Sir, I rise to move the second reading of a Bill entitled :—

An Ordinance to amend the Township Local Authority's Servants' Provident Fund Ordinance, 1942.

The Hon. the Comptroller of Customs and Excise :

I beg to second.

Bill read a second time.

In committee.

Enactment.

Clauses 1 and 2.

The Hon. the Attorney-General :

Your Excellency, arising out of this Bill you will remember that yesterday we read a first time a similarly entitled Bill but "(Amendment No. 2)" Ordinance and I explained then the necessity for getting that before the Council. To avoid having two Bills on the same subject I now ask permission to move an amendment by inserting into this Bill the main provision of the second amending Bill. The actual amendment I propose to move was read a first time yesterday in the other Bill and refers to, where a Native Authority takes over a township area and within that area there are employees subscribing to the Township Provident Fund. As that area is no longer a township there is no machinery for carrying on subscriptions to that fund. This section which will be added in the present Bill provides that these individuals will have the option of continuing as though they were still employees in a township and contributing to the fund.

I beg to move, Sir, that the Bill be amended by adding thereto the following clause :—

"27. (1) In the event of any depositor in the service of a local authority ceasing to be employed by such local authority in consequence of the Township ceasing to be a township, and the area or place comprising such Township being thereafter administered by a

native authority, then such depositor may elect to continue to be a depositor under the provisions of this Ordinance as if such area or place were still a Township, and the native authority administering such area or place shall, in respect of any such depositor, be deemed to be the local authority under which he serves and shall accordingly comply with all the provisions of this Ordinance.

(2) Any election under the provisions of sub-section (1) shall be made in writing and directed to the native authority concerned within three months of the date upon which the Township ceased to be a township and shall be irrevocable: where no such election is made then the provisions of section 18 shall apply as if the office held by the depositor concerned had been abolished."

Amendment approved.

Title.

Council resumed.

The Hon. the Acting Financial Secretary :

Sir, I beg to report the Bill from committee with one amendment. I beg to move that the Bill as amended be now read a third time and passed.

The Hon. the Comptroller of Customs and Excise :

I beg to second.

Bill read a third time and passed.

THE GOVERNMENT SERVANTS' PROVIDENT FUND (AMENDMENT)
ORDINANCE, 1943

The Hon. the Acting Financial Secretary :

Sir, I beg to move the second reading of a Bill entitled:—

An Ordinance to amend the Government Servants' Provident Fund Ordinance, 1939.

The Hon. the Comptroller of Customs and Excise :

I beg to second.

Bill read a second time.

In committee.

Enactment.

Clauses 1 and 2.

Title.

Council resumed.

The Hon. the Acting Financial Secretary :

Sir, I beg to report the Bill from committee without amendment. I beg to move that the Bill be now read a third time and passed.

The Hon. the Comptroller of Customs and Excise :

I beg to second.

Bill read a third time and passed.

THE PROVIDENT FUNDS (WAR SERVICE) DEPOSITS ORDINANCE, 1943

The Hon. the Acting Financial Secretary :

Sir, I beg to move the second reading of a Bill entitled:—

An Ordinance to make provision to regulate deposits in certain Provident Funds by depositors serving in His Majesty's Forces.

The Hon. the Comptroller of Customs and Excise :

I beg to second.
Bill read a second time.
In committee.
Enactment.
Clauses 1 to 8.
Title.
Council resumed.

The Hon. the Acting Financial Secretary :

Sir, I beg to report the Bill from committee without amendment. I beg to move that the Bill be now read a third time and passed.

The Hon. the Comptroller of Customs and Excise :

I beg to second.
Bill read a third time and passed.

THE EUROPEAN OFFICERS' PENSIONS (AMENDMENT) ORDINANCE, 1943

The Hon. the Attorney-General :

Sir, I beg to move the second reading of a Bill entitled :—
 An Ordinance to amend the European Officers' Pensions Ordinance

The Hon. the Acting Financial Secretary :

I beg to second.
Bill read a second time.
In committee.
Enactment.
Clauses 1 and 2.
Title.
Council resumed.

The Hon. the Attorney-General :

Sir, I beg to report the Bill from committee without amendment. I beg to move that the Bill be now read a third time and passed.

The Hon. the Acting Financial Secretary :

I beg to second.
Bill read a third time and passed.

THE NON-EUROPEAN OFFICERS' PENSIONS (AMENDMENT)
 ORDINANCE, 1943

The Hon. the Attorney-General :

Sir, I beg to move the second reading of a Bill entitled :—
 An Ordinance to amend the Non-European Officers' Pensions Ordinance.

The Hon. the Acting Financial Secretary :

I beg to second.
Bill read a second time.
In committee.
Enactment.
Clauses 1 and 2.
Title.
Council resumed.

The Hon. the Attorney-General :

Sir, I beg to report the Bill from committee without amendment. I beg to move that the Bill be now read a third time and passed.

The Hon. the Acting Financial Secretary :

I beg to second.

Bill read a third time and passed.

THE WAR PENSIONS ORDINANCE, 1943

The Hon. the Attorney-General :

Sir, I beg to move the second reading of a Bill entitled :—

An Ordinance to provide for the payment of pensions, gratuities and other allowances in respect of the death or disablement of members of His Majesty's Forces or of services auxiliary thereto or of services engaged in civil defence or of a class or category of persons engaged in war work.

The Hon. the Acting Financial Secretary :

I beg to second.

Bill read a second time.

In committee.

Enactment.

Clauses 1 to 7.

Title.

Council resumed.

The Hon. the Attorney-General :

Sir, I beg to report the Bill from committee without amendment. I beg to move that the Bill be now read a third time and passed.

The Hon. the Acting Financial Secretary :

I beg to second.

Bill read a third time and passed.

THE RAILWAY SERVANTS' PROVIDENT FUND (AMENDMENT)
ORDINANCE, 1943

The Hon. the General Manager of the Railway :

Sir, I beg to move the second reading of a Bill entitled :—

An Ordinance to amend the Railway Servants' Provident Fund Ordinance, 1941.

The Hon. the Acting Financial Secretary :

I beg to second.

The First Lagos Member (The Hon. H. S. A. Thomas) :

Your Excellency, I should like to make one or two observations. I find, Your Excellency, that the Governor has been given, under section 3, power to appoint four people instead of one, as in the old Bill. The depositors had one before and now they are being given more than one, whereas the General Manager has one. I am suggesting that the number should be the Chairman and five other members—that two members be nominated by the General Manager, two by the Governor and two by the depositors.

The Hon. the General Manager of the Railway :

Your Excellency, insofar as the representation of depositors is concerned I see no objection to the proposal made by the Honourable Member. Insofar as those appointed by Your Excellency are concerned, I think that should stand.

His Excellency :

We will deal with that in committee.

Bill read a second time.

In committee.

Enactment.

Clauses 1 and 2.

Clause 3.

The First Lagos Member (The Hon. H. S. A. Thomas) :

Clause 3 Sir. I beg to move that this clause be amended.—

- (1) by deleting the words "not fewer than three but not more than" in section 5 (1);
- (2) by substituting the words "two members" for the words "one member" in section 5 (3) (b);
- (3) by substituting the word "two" for the words "not more than three" in section 5 (3) (c).

Amendment approved.

Clause 4.

The Second Lagos Member (The Hon. Jibril Martin) :

Clause 4 Sir. I think that the number "ten" should be "twelve."

The Hon. the General Manager of the Railway :

This is a printer's error Sir. It should be twelve and not ten, and I beg to move this clause be amended accordingly.

Amendment approved.

Council resumed.

The Hon. the General Manager of the Railway :

Sir, I beg to report the Bill from committee with two amendments, and I beg to move that the Bill as amended be now read a third time and passed.

The Hon. the Acting Financial Secretary :

I beg to second.

Bill read a third time and passed.

THE NIGERIAN GOVERNMENT RAILWAY PENSIONABLE OFFICES
ORDINANCE, 1943

The Hon. the General Manager of the Railway :

Sir, I beg to move the second reading of a Bill entitled :—

An Ordinance to establish certain pensionable offices for non-European officers in the Nigerian Railway and to create a fund therefor.

The Resident, Onitsha Province :

I beg to second.

The Second Lagos Member (The Hon. Jibril Martin) :

I have to congratulate Your Excellency and the Honourable the General Manager for introducing this Bill to the House. As was said in the case of another Bill, this Bill is not brought in too soon to this House. Your Excellency, I have watched the Railway Servants for some years and Railway experts have come to Nigeria in order to investigate the working of the Nigerian Railway, and although many recommendations were made for the improvement of both European and African staff, yet many administrations took no notice of the complaints or grievances of the African staff. Your Excellency, in 1941 during the debate on the Bill relating to the Railway Provident Fund I addressed you at length on the necessity of introducing Pension Scheme among the African Railway Servants, but the Bill passed through all its stages and became law. I then felt that it was a lone voice crying in the wilderness, not knowing that you would act as you have now done. Hence I am congratulating Your Excellency that it was during your administration that the remedy to redress the wrongs of the African Railway staff was introduced,

and I have to thank Your Excellency on behalf of the Association of the Nigerian Railway Civil Servants for the everlasting benefits which Your Excellency has conferred upon this and future generations.

I have two observations to make on the Bill itself. I have no doubt that Your Excellency and the Honourable the General Manager may have been aware of the representations made by the people that the provisions of this Bill may be made a few months retrospective in order to enable those who have fought and who, during the time the Secretary of States' approval was sought, were in the service and have since left the service, to benefit from the reward which has now been given to them by Government. I am suggesting that there will be no harm done either to the Government or to anybody else if the grant is extended or made retrospective up to the 1st October, 1942. Well, I am not giving out secrets but I understand that Your Excellency received the approval of the Secretary of State as far back as September, 1942. Between this date and the 1st April, 1943, I understand very few people left the Railway. Some of these people had expressed the wish that in the event of this Bill becoming law they would like to receive pension instead of Provident Fund. I made enquiries and I understand that of about a dozen persons who left the Railway, about three of them at least expressed such a wish and up to now have not received their Provident Fund. Your Excellency will be conferring a great privilege upon only a very few persons by extending the time to 1st October, 1942. As I have said, nobody will be prejudiced in any way.

My next observation is in respect of section 8. I would have liked very much that the provisions of section 21 of the Railway Servants' Provident Fund Ordinance, 1941, should be made applicable. That is, that the deposits made by the people should be returned to them as soon as they come to pensionable establishment. But having heard the explanation from the Honourable the General Manager and having considered the whole matter myself judging from the economic point of view, I think it will be wise for the Railway servants to allow this section to remain as it is because it is more in their interests to have it so. If they are allowed now to receive the whole of their deposits, one can never tell what will become of such large sums of money in their hands.

My only humble request is that the provisions of the Bill should be made retrospective as from the 1st day of October, 1942.

His Excellency :

On the second point, it might interest the House to know that precisely the same thing happened to me as is happening to Railway servants. When I first joined the Indian Civil Service our pension was contributory. After some years it was made non-contributory, and our back contributions were treated as if they had been contributions, but they were not refunded at the time, they were refunded at the end of our service.

The Third Lagos Member (The Hon. Ernest Ikoli) :

Your Excellency, I have not much to add to what the Honourable the Second Lagos Member has said, though as regards the contributions of members I am not quite sure we are at one. I understand that the Railway Servants Association have been in constant consultation with the General Manager on this subject, but I understand the feeling of the men to be that cases might arise where a man who is a contributor to the fund might want his money for certain definite purposes. After all said and done, if a man has contributed this money he regards it as his own. I think there is very definite feeling among the rank and file of the Railway that if they contributed

this money it is their own property and they cannot understand why any rigid rule should be made as to how they should draw it. I quite appreciate Government's point of view that it would be an unwise thing in the interests of the members themselves that large amounts of money such as are being held should be unloaded on to the market but I do wish, Sir, that some understanding could be reached. As far as I can gather, Sir, the men are not quite satisfied that there should be any rigid control by the Government over this fund. If something could be added to say that if the General Manager is satisfied that the money was required by a contributor for a specific purpose—building a house and so on—I think no opposition could be raised to that. Apart from that I don't think we have anything to complain about. It is a thing we have agitated for for a long time, and I personally thank Your Excellency.

The Hon. the General Manager of the Railway :

Your Excellency, with regard to the point made by the Second Lagos Member that there should be retrospective effect from October, 1942, it is right to say that if we do give retrospective effect from that date the number of people and the amount of money concerned is insignificant—it is well under a dozen. But the point is, Sir, if it is going to take effect from October, 1942, why should it not go all the way back to 1932 or even 1922? That I think is the point as advised by my honourable colleagues the Financial Secretary and the Solicitor-General. For my part I have an open mind; it is true that only a very few men are concerned.

Insofar as the other point is concerned, made by the Third Lagos Member, there has been some disagreement among the Association. They have seen me, we have consulted frequently, and the feeling of, I understood it to be the majority, was that they thought it was clear and it could be made clearer by adding one word to this Bill. Their money on deposit was accessible to them in the way of advances, as laid down in the Railway Servants' Provident Fund Ordinance, and that the attitude of the Board controlling the money would not be over rigid; it would be flexible, and provisions of the Railway Servants' Provident Fund which limits the money because it limits the number of instalments in which that money may be paid back to 12, if full meaning is given to the appropriate section in this Ordinance whereby the Board can decide in what instalments money should be paid back and that a measure of distinction decided by the Board. They seemed satisfied, and took this back to the remainder of the Association, who were not satisfied. That is the position in regard to consultations.

Bill read a second time.

In committee.

Enactment.

Clause 1.

The Second Lagos Member (The Hon. Jibril Martin) :

Your Excellency, I beg to move that this clause be amended so that this Bill should come into operation on the 1st day of October, 1942. The Secretary of State's approval was received only in September, 1942, and there is nobody who will come forward and say that before this approval or before any representation was made by Your Excellency, he was entitled to receive pension and not provident fund. So I respectfully ask, it will confer benefit on a few Railway servants—not more than a dozen, and I believe some of them had already received their provident fund. I think there are only about three of them who have allowed their provident fund to remain with the Railway in anticipation of the passing of this Bill, so I ask that this amendment should be allowed.

The Hon. the Acting Financial Secretary :

I think, Sir, the decision of this House must rest on a question of principle. The Secretary of State's approval is I think irrelevant. What the Secretary of State approved was that a Bill should be laid before the House to confer pensionability on certain personnel, but it is for the House to say when it should come into force. If we accept the idea that because on a certain date the Secretary of State decided that the Bill should be put before the House then it should come into force on that date, it would be possible for someone to urge that the Bill should become law on the day when the recommendation was forwarded to the Secretary of State. In either case the time taken by the Secretary of State in considering the local proposals and the time taken by this Government in considering the decision of the Secretary of State are equally beyond the control of the persons affected by this Bill. This matter has been on the tapis for many years and whatever retrospective date were selected it would be possible to find an argument for an anterior one. Retrospective dating in measures of this sort frequently causes difficulties which are not foreseen at the time and I suggest that this amendment should not be accepted.

The Second Lagos Member (The Hon. Jibril Martin) :

I think I must correct a wrong statement made by me saying that the Secretary of State's approval was received in September. I meant that the Secretary of State's approval was conveyed to the essentials in September, 1942.

The Hon. the Solicitor-General :

I don't think the Honourable the Second Lagos Member fully appreciates what it would entail to make the people pensionable now who have already retired. It would not be sufficient, Sir, to make the Bill retrospective, because under the terms of this Bill pensionable status, if accepted by an officer, entails two things. It entails payment into the pensions fund of his bonus to the date on which his office becomes pensionable. It also entails leaving in the fund his compulsory deposits, with interest. I think the actual position is that these men have actually drawn their provident fund, and if they have drawn it, Sir, they will have to find the money to return to the fund. They have to return all they have received, and if it is invested or spent, as we fear it may be, it may drive them to borrow, Sir, and in this case the last condition would be worse than the first. If this thing were to go through it would have to be done by some other method. A mere amendment to this Bill would not effect the purpose the Honourable Member desires, a very considerable amendment would be necessary.

His Excellency :

There is no question that if the Honourable Member's amendment were accepted we should have to postpone consideration of this Bill until a later date. The necessary amendments could not possibly be made in a few hours, they would have to be very carefully thought out.

The Member for the Rivers Division (The Hon. S. B. Rhodes, C.B.E.) :

Well, Sir, if it is possible to make these amendments I support the motion. I think it is desirable, if certain men have fought for a thing, and just about the time they would benefit they are in danger of losing it all, that Government should give them consideration.

The Hon. the Attorney-General :

It is only a question of principle, Sir.

His Excellency :

I am prepared to put that amendment to the vote and allow Honourable Official Members to vote as they wish, on the understanding that if the amendment is carried the remaining clauses of the Bill will be postponed until such time as the necessary amendments can be prepared. Needless to say there will be no undue delay in preparing them, but I cannot promise them by to-morrow. I think that is most unlikely.

The question is that clause 1 of the Bill be amended by deleting the words " come into force on the 1st day of April, 1943 " and substituting the words " shall be deemed to have come into operation on the 1st day of October, 1942 ". The House will divide.

Amendment rejected by 19 to 17.

Honourable Members voted as follows :—

FOR—17

The Hon. the Commercial Member for Port Harcourt (Provisional).
The Hon. the Member for the Ondo Division.
The Hon. the Member for the Cameroons Division.
The Hon. the Member for the Egba Division.
The Hon. the Member for the Colony Division.
The Hon. the Second Lagos Member.
The Hon. the Commercial Member for Kano.
The Hon. the Member for the Ijebu Division.
The Hon. the Member for the Ibibio Division.
The Hon. the Member for Calabar
The Hon. the Member for the Rivers Division.
The Hon. the Member for the Ibo Division.
The Hon. G. B. Williams, M.C., Commissioner of the Colony (Extraordinary Member).
The Hon. G. L. Howe, Solicitor-General (Extraordinary Member).
The Hon. W. C. C. King, Commissioner of Police (Extraordinary Member).
The Hon. the Comptroller of Customs and Excise.
His Honour the Chief Commissioner (Eastern Provinces).

AGAINST—19

The Hon. the Banking Member (Provisional).
The Hon. the Commercial Member for Calabar.
The Hon. the Member for Shipping.
The Hon. the Third Lagos Member.
The Hon. the Commercial Member for Lagos.
The Hon. E. A. Miller, Commissioner of Labour (Extraordinary Member).
The Hon. E. C. Crewe, Postmaster-General (Extraordinary Member).
The Hon. the Director of Agriculture.
The Hon. the Director of Public Works.
The Hon. the General Manager of the Railway.
The Hon. the Deputy Chief Secretary.
The Hon. the Director of Marine.
The Hon. the Acting Director of Education.
The Hon. the Director of Medical Services.
The Hon. the Acting Financial Secretary.
The Hon. the Attorney-General.
His Honour the Chief Commissioner (Western Provinces).
His Honour the Chief Commissioner (Northern Provinces).
The Hon. the Chief Secretary to the Government.

The Honourable the First Lagos Member abstained from voting.

Clauses 2 to 7.

Clause 8.

The Hon. the General Manager of the Railway :

Sir, I beg to move that clause 8 (b) be amended by the substitution of the word " deposits " for the word " payment ", the last word in the paragraph. The object of that is to implement what was partially agreed to be accepted by the Association and to enable us to advance money from their own money on the repayment basis as provided for subsequently in this clause.

Amendment approved.

Clauses 9 to 15.

Schedule.

The Hon. the General Manager of the Railway :

Your Excellency, I beg to move that the Schedule be amended by deleting the words " Travelling Ticket Collector " and substituting the words " Travelling Ticket Inspector ".

Amendment approved.

Title.

Council resumed.

The Hon. the General Manager of the Railway :

Sir, I beg to report the Bill from committee with two amendments, and I beg to move that the Bill as amended be now read a third time and passed.

The Resident, Onitsha Province :

I beg to second.

Bill read a third time and passed.

THE TRADE UNIONS (AMENDMENT) ORDINANCE, 1943

The Hon. the Deputy Chief Secretary :

Sir, I beg to move the second reading of a Bill entitled :—

An Ordinance to amend the Trade Unions Ordinance, 1938.

The Hon. the Commissioner of Labour :

I beg to second.

The Third Lagos Member (The Hon. Ernest Ikoli) :

Your Excellency, I don't know whether this Bill is very urgent, and if it is not I am asking, Sir, that it should be read this day six months. First of all I wish to make a few observations on the remarks of the Deputy Chief Secretary when he introduced this Bill at its first reading. He told us there were eighty-five Trade Unions already in Nigeria, and I think he was quite right in saying that a number of them were not much good. But I do not know in what respect he made those remarks, in the sense that a number of these Trade Unions were merely duplicates of one another. You notice for instance we get a Drivers Union. Instead of our getting a General Motor Drivers Union we get bodies going to register as John Holts Drivers Union, Zarpas's Drivers Union, and so on. I am certain that now we have a Labour Department in working order all those difficulties will be removed. We shall probably have a Drivers Union embracing all drivers as a class ; we shall have an Engineering Union embracing all engineers as a class ; we shall have a Carpenters Union embracing all carpenters ; we shall have a Bricklayers Union, and so on. If he meant those remarks in that sense I agree that we have far too many Trade Unions, and I am certain that now we have a Labour Department going these mistakes will be rectified.

As regards his remarks about Trade Union leaders, I was just reading some old papers, and the description he gave to Trade Union leaders here reminds me of identical words used by the late Lord Birkenhead in describing the great Mining Union Leader in 1926—" I know that those in authority must always set their faces against those whom they regard as extremists, but let no-one in authority forget that almost in every case only those who have been extremists have been able to get things done for the working classes." The English miner I am perfectly certain is on an entirely higher intelligent level than the ordinary workman in Nigeria, and yet the English miner chose to follow a man like A. J. Cook rather than a man like Hodges, whom those in responsible authority regarded as a level headed man. The level headed men never as a rule succeed in getting much done ; it is only when extremists come on the scene that we get things done. If in this country the Government is

going to listen to those who are moderate there will be no room at all for extremists, but in the past it has always been the case that when a moderate man comes forward with proposals he receives little attention from the authorities, but when the man who makes trouble comes forward the officials listen to him. So I hope the Deputy Chief Secretary will understand the feeling of the working people, that it is not because they want to follow the firebrand and extremist; they follow him because they think he gets things done. They will not follow the man of moderate views because they think Government takes no notice at all of such a man.

Another thing I notice in the Bill here is that there has been a voluntary dissolution of the Warders Union, and that some sort of arrangement is being made by which warders can be looked after. I am not satisfied with these departmental unions, where a Government official will be at the head and where the men will be nowhere at all. I prefer the men should look after their own Unions and if possible run them and have nothing to do with departmental officers. And I am not at all satisfied to hear that the warders have voluntarily decided to dissolve their Union. It is in the Bill and we accept it as such, but I would prefer that any Union organised by the warders should be by those men themselves and not by a departmental officer. I appreciate the difficulty as regards the Police and perhaps also as regards Warders, but I feel that a Bill like this should not come before the House with a definite statement to say we have arranged this for Police or Warders, and whatever it is I personally am very strongly opposed to any Union or organisation either in the case of Police or Warders where they are dominated by departmental officials. I would rather the men have their own officers and run the show themselves. I feel that if these things are run by departmental officers you will have apparent success on the surface but you will always have trouble beneath. Things will run smoothly for a little while but in the end there will be ugly outbreaks in a form that neither Government nor the public would like. I would rather we gave these men as much freedom as possible in running their own show, and since this Bill has not brought forward anything to show that some definite scheme has been made for the Police to bring forward their complaints to the head, and since no definite scheme has been proposed for the Warders I think this Bill, unless it is very urgent, should come before this House again, with these proposals definitely set out for the approval of this House.

The First Lagos Member (The Hon. H. S. A. Thomas) :

Your Excellency, I certainly feel that some provision should be made for warders in this matter. I understand there is an Association under the direction of the Superintendent of Prisons and that a sort of recognition is being given, but no reason has been shown in this Bill why prison warders should not have their own Union. It has been said that a voluntary association now exists but that is no reason why you should make a law banning their formation of a Union. In the case of the Police, I feel a bit reluctant to make a complaint because, so far as I understand, the Police are under an obligation to be called out as soldiers under the Ordinance, and the argument might be used that you might as well say soldiers should have a Trade Union. But as regards warders, I think a definite provision should be made as to what they could do to make their grievances heard, and we should have a law governing such association. In the absence of that, I don't see why they should be precluded from forming a trade union in their own department, especially as trade unions are departmental unions to-day, and there is little possibility of interference from other departments. They will all be their

own masters and there will be no fear that outside influence will be brought to bear on them.

The Member for the Rivers Division (The Hon. S. B. Rhodes, C.B.E.) :

Your Excellency, looking at it at first sight one would say, why deprive the warders from forming a Trade Union, but when we take into consideration that warders are men who are in charge of thousands of prisoners in this country, and take into consideration that it is only a defence regulation that has prevented strikes and lockouts in this country and that when the war is over those defence regulations will go automatically, and when we also take into consideration that there is nothing in the Ordinance to prevent people going on strike, then we imagine what chaos there would be in this country, should we wake up one morning to find trouble over the Director of Prisons dismissing some warders, the Union saying you must take them back or we go on strike, and there you would have the prisons with no warders. I say that for this reason warders holding positions like this should not join a Union which would frustrate the working of the very Government itself.

The Second Lagos Member (The Hon. Jibril Martin) :

Your Excellency, I rise to support the motion of the Honourable the Third Lagos Member and endorse the remarks he made, because I consider this an important matter and one in which not only should the Government sympathise with the workers but should also try to assist them. Now we have a new Labour Department, and this is one of the problems it should solve, so I respectfully ask that Government should study the whole question through its Labour Department. After all Government stands for all the people, and Government should not in legislating be greatly influenced by the actions of the firebrands as my honourable friend calls them but should take into consideration those workers who are cool headed people. So I ask Government to allow the Labour Department to study the question, and in the light of their experiences to present the Bill again before the House.

The Member for the Ibibio Division (The Hon. N. Essien) :

I rise to support the motion of the Third Lagos Member and submit that the glory of the master is the young servant, and as the servant serves he is not only entitled to receive his monthly wages but is also entitled to some protection by the master. Inasmuch as the Bill before the House does not provide the means for the Police or the Warders to call for their own redress whenever they need it I submit, Sir, that the Bill should suffer the fate asked for by the mover of this motion.

His Excellency :

The motion that this Bill be read a second time on this day six months is a polite method by the House of Commons for rejecting the Bill altogether. I take it the Honourable Member does not intend this.

The Third Lagos Member (The Hon. Ernest Ikoli) :

I am only moving the rejection of the second reading Sir, until a later date.

The Member for the Calabar Division (The Revd. and Hon. O. Efiog) :

Your Excellency, this Bill is a very good Bill, but there are certain loopholes we must guard against. The Third Lagos Member mentioned that if these many Unions were just one class of people split into different groups then the mover of this Bill would be tenable, but so long as there are men of the same class grouping themselves together we feel, Sir, that help and assistance should be given them to constitutionally organise their Unions. We are not satisfied with the fact mentioned about the voluntary dissolution of the Warders

Union. I personally asked for a thorough investigation into the cause of that dissolution, and just the other day we heard that they have been reassembled under the direction of the Director of Prisons. There we find that they still have the mind to co-operate and unite. We would like to know why they dissolved and we are not satisfied to hear that they dissolved voluntarily. I feel, Sir, that in one form or another the warders should be encouraged to unite and every constitutional step taken to prevent them from striking or giving a lead to other strikers to strike to the detriment of our social services. I feel further, Sir, that Unions like the Warders Union under the direction of their departmental head are not advisable. The head can act in an advisory capacity whose advice I think will be greatly respected, but not compulsorily taken.

With respect to the Police, Sir, as provided in the Bill we feel that a Police Welfare Federation should be organised as in other places instead of saying that policemen cannot form a Trade Union. We agree with that, but a Police Welfare Federation should be encouraged.

With these remarks, Sir, I support the idea that this Bill be deferred till six months hence to give us time to investigate the matter.

The Hon. the Solicitor-General :

If I understand the motion of the Honourable the Third Lagos Member correctly it is this, that we postpone this Bill for six months to enable some alternative form of representation in respect of Prison and Police officers to be placed on this Bill.

His Excellency :

To pass a motion that this Bill be read on this day six months amounts to a rejection of the Bill. Is that what the Honourable Member is moving ?

The Third Lagos Member (The Hon. Ernest Ikoli) :

Yes, Sir. It does amount to a rejection, because I want the whole span of the Bill to be gone into more carefully now we have a Labour Department. On this one point no such provision should be inserted into this Bill to regulate Trade Unions. Under our constitution we may not regulate anything else into one Ordinance and therefore this Bill should be postponed indefinitely.

The Hon. the Commissioner of Labour :

Your Excellency, I regard this clause 2 which prohibits members of the Police Force and Warders service from joining Trade Unions as one of urgency, since the personnel of both these departments are dealing every day with matters affecting the security of the general public, and I think we should pursue this Bill and get it passed at this meeting.

Some of the Honourable Members have expressed doubts as to the suitability of the Bill because it contains no provisions regulating Trade Union activities of the Warders. It is true that Warders have been forbidden to form Trade Unions, but already they have started to form Associations of their own to represent matters to their Head of Department. I am not quite sure how far they have progressed with the formation of these Associations, but I cannot for a moment think that there are any now of the Warder staff who are not members of one of their branches. We have seen how efficiently the Association of Nigerian Civil Servants can work in representing the affairs of its members to Government, and I have no reason to suppose that Prison Warders will not function just as efficiently. If at any time they find themselves in trouble, if at any time they find they have put forward what they consider reasonable proposals and those proposals have been turned down by their Head of Department, they will have the same right as any

other workers in the country to set in motion the machinery specially applicable to such cases, the establishment of which it is hoped the Department of Labour will shortly recommend to Government. There is however no doubt that they will be able to represent their case before their Head of Department just as effectively as if they were a Trade Union, though they will not of course be registered under the Trades Union Ordinance.

I hope to have an early opportunity to go into this question of the Warders and the Prisons Department, but I trust that Honourable Members will not expect me to draw up any rules or regulations for any Associations—the members of these Associations must do that for themselves. In so far as the Labour Department can guide them that will be done, but as I said before the rules and regulations of Associations, whatever they may be, must be drawn up entirely by themselves.

Your Excellency, I support the Bill.

The Hon. the Commissioner of Police :

Your Excellency, I think I gathered from the Honourable Members' remarks that they are agreed that members of the Nigeria Police cannot form or belong to a Trade Union. The point that is apt to be overlooked is that not only is this a civil Police Force, Sir, it is an armed Police Force, and under section 4 of the Police Ordinance any member of the Force may be called upon by the Governor to perform such military duty within or without Nigeria as the Governor may direct. I think in those circumstances it is clear, and could not be clearer, that no form of Trade Unionism can be permitted in a body which has those duties laid down for it by law.

As regards some form of representation by the members within the Force, one would gather from the manner in which the Third Lagos Member addressed himself to the House that there was a great desire or anxiety on the part of the men within the Force for some such Association; one would gather that men of the Force had been to him and suggested that they could not get their grievances redressed. I may say, Sir, that within the last four months I have been round on tour in seven provinces, four in the North and three in the East. I have seen and spoken to some 1,000 to 1,200 men during the course of my tours, and out of all those men only one man ever mentioned the word "Union". I particularly state in my letter which is sent out to the provinces informing them I am going to inspect, that it is my desire to see as many men as possible, and I make a practice of having what is known as a "fireside chat" to the men at each station I go to. Only one man raised the question of a Union out of some 1,200 men, and he asked me if it was permitted for a member of the Force to join the Clerical Service Union! There is very ample scope for any member of the Force, whatever his rank, to put forward any grievances he has. There is a Police standing order which sets out procedure, and the words are very clearly laid down, stating that if a constable has a complaint he puts it forward through his N.C.O., and this request to address a senior officer must be granted. If the constable is not satisfied with the decision he gets there he may forward a complaint in writing and his officer is bound to forward that complaint. And there is a second standing order laying down that every constable has the right to be taken before an inspecting officer visiting his station, so that he can make his complaint verbally instead of in writing. I saw a number of men, Sir, during the course of my tours in the North and East, and I may say I was unable to gather that there was any unrest or a sense of unredressed grievances. Recently men have made representations on certain points, and I have taken them up on behalf of the men, and Your Excellency has been good enough to redress what they considered was treatment to their prejudice as compared

with other departments. I really cannot see what more can be done, what the men can expect to get from any Association which they cannot get at present and which they have not the means to get at present.

As regards a disciplined force—an armed disciplined force—I dislike the words used by two members when they referred to the very dangerous phrase “collective bargaining”: It is an extremely dangerous phrase to use when one is handling a disciplined body of men. Under section 6 of the Police Ordinance, Sir, the Commissioner of Police is responsible to the Governor for the administration and good order of the Police Force. If there is to be some form of organisation which has on one side “collective bargaining” and on the other side the responsibility of the head of the Force, I think we are creating trouble where there is none at present.

I might say, Sir, that one usually associates anonymous petitions to the head of a department with trouble inside the department. There is an almost complete absence of anonymous petitions to me from anyone at all in connection with the Force.

I would just like to say, Sir, in conclusion that all members heard Your Excellency's remarks in your Address about the Police, and the way they behaved did not sound as if they were a body of disgruntled men or a Force with grievances unredressed. One may assume that during that COLA hysteria, fathers, sons, brothers, and uncles all got at the men, and there was no trouble at all in the Force: every single man, and every Police clerk, although members of the Clerical Service Union, signed, if I may say so, on the dotted line without, I would like to add, the slightest inducement or indication of any kind from Headquarters. I venture to suggest, Sir, that the existing atmosphere of content within the Force is a direct result of the entirely satisfactory working of the present procedure.

The Hon. the Deputy Chief Secretary :

Your Excellency, I listened with considerable interest to the remarks made by the Third Lagos Member, but I had a feeling that somehow the House was not behind him in his remarks, and I venture to suggest, Your Excellency, that we proceed with the Bill. He asked whether this Bill was very urgent. My reply to that is that all social reform is very urgent and that we should carry on as we have started. He also gave me the impression that he thought the Labour Department had been started two or three days ago. In point of fact the Labour Department has been in existence, and has I hope been working to the satisfaction of Your Excellency and members of this House, for a considerable number of months, and now that Captain Miller, who holds the substantive position of Commissioner of Labour, is back, we hope we shall be able to go along even faster and better than in the past.

We have had lots of time to consider this Bill, and this Bill has received very careful consideration both by the Labour Department and by Government. And I can assure Honourable Members it is not something just flung haphazard on the table without proper consideration. I appreciate what the Honourable the Third Lagos Member means when he talks about extremists getting things done, but I was not hitting out at extremists who are honest men, I was hitting out at people who thought first of themselves and secondly of the people that they were representing. I am aware of the fact that we have extremists who get things done, but those are not the people I was aiming at; I was aiming at the self-seekers.

I would like to say one word about Warders. For heaven's sake let us be realists. It is very nice to be an idealist, but one must be a realist as well, The idea of a Prison Warders Union, with a right to strike any time they like,

is fantastic. As my Honourable friend said, imagine in Lagos every warder going on strike and leaving the prison doors open for 800 prisoners to walk out. Does that sound a good idea? Because if they belonged to a Trade Union they would be entitled to do so, not in war-time of course, but in peace-time. So do let us be realists and not talk the kind of stuff which in practice cannot be done.

I was a little disappointed to hear one Honourable Member speak as if officers in positions of authority had not got the well-being of the men in their departments at heart, and I cannot believe that the House would ever accept that as true. Surely it is a fact that the vast majority of people in authority are out very much for the welfare of the men who are in their charge, and the suggestion that nobody will ever get anything without collective bargaining is in fact quite untrue, because in the Police and in many other departments a great deal has been done for the men through the efforts of their own officers and not through the medium of collective bargaining.

There are just two other points I would like to make which did not actually come up in the Debate this afternoon, but which have arisen earlier. In one case there was a leading article in a daily paper the other day, in which it was stated that this Bill would set back the hands of the clock. I really cannot understand what was at the back of the writer's mind. And it also stated that previously Trades Unions could be registered without any interference on the part of the Registrar. Well that is not so. When the Trades Union Ordinance was first introduced in 1938 there was a clause stating that the Registrar, if he thinks fit, may refuse to register. That was unsatisfactory and was amended before a single Trades Union was registered to read "shall" register. In the Bill this year it is perfectly true that the word was changed from "shall" to "may", but the "may" was so surrounded by restrictions that the Registrar could never refuse a legitimate application; in fact it amounted to the same thing as "shall". But in case any Honourable Member here, or members of the public should think there is anything in this Ordinance to set back the hands of the clock, Government has decided to substitute the word "shall" for the word "may" in the particular clause, so it cannot possibly be said that the Registrar can refuse to register a Trade Union at his will.

One other point, again not raised here, but raised by Trade Union leaders with the Labour Department, is the new section 11, which reads—"Upon the expiration of six months from the date of publication of the Gazette notice the Registrar shall consider any objections which have been brought to his notice". Now the idea got round that the Registrar would consider any objection, whether valid or not, and that he might turn down the application of a Trade Union on the ground that there were a number of objections raised which did not appear as valid objections in the Ordinance itself. I hasten to give members an assurance that no objection that does not appear in the body of this Bill or of the mother Ordinance as being a valid objection would be considered at all. I will just give one case of an objection that would be valid, the kind of thing which has happened in the past. A Trade Union applies for registration and just before six months an objection is put in stating that the Managing Committee of this Union has not been properly appointed by the Trade Union itself. It is obviously undesirable that you have a Managing Committee of a Trade Union which has appointed itself without being properly appointed by the Union, therefore that objection if proved true would be valid and registration would not be given until it was put right.

Once more I would like to say that this Bill has been very carefully considered and I hope it will be received well by the House.

His Excellency :

I will put the motion of the Honourable the Third Lagos Member to the House, that this Bill be read a second time this day six months.

Motion not approved.

Bill read a second time.

In committee.

Enactment.

Clauses 1 and 2.

Clause 3.

The First Lagos Member (The Hon. H. S. A. Thomas) :

Clause 3 Sir. I am suggesting that the words "one month" should read "three months". At present the Unions are given three months in which to apply, and there is no reason, Sir, for this intended change to one month. I feel that three months should remain, because in England even unregistered Unions get three months. Nigeria is a big place and sufficient time should be given for them to be able to apply. I think three months is not too long.

The Member for Calabar (The Revd. and Hon. O. Efiang) :

I beg to second.

The Hon. the Deputy Chief Secretary :

There is considerable force in that argument, but it has been considered very carefully by the Labour Department and the whole object was not to delay too long the time between the application for registration of a Trade Union and its actually getting a certificate. As I pointed out, now you have one month followed by six months before you get registration, and then possibly three months further for appeal or for disbandment, which makes ten months. If we add on another two months it makes it a year. And I cannot but think, if a Union gets busy, that they can get their application in in one month if they really put their minds to it. But I don't wish to press against the amendment if the House feels it should be introduced.

The Member for the Rivers Division (The Hon. S. B. Rhodes, C.B.E.) :

I don't know whether consideration has been given to the fact, where there is a Trade Union up-country and they wish to have a Solicitor to draw up their rules, which rules have to be posted there and back, that there may not be sufficient time for this.

His Excellency :

I will put the motion to the House, that clause 3 be amended by substituting the words "three months" for the words "one month" wherever they occur in this clause.

Amendment approved.

Clause 4.

The Hon. the Deputy Chief Secretary :

Sir, I beg to move that clause 4 be amended by adding at the end the following paragraph :—

(7) All pending applications for registration made before the coming into operation of this section shall be deemed to have been made under the provisions of this section.

The point of that amendment is that there are a considerable number of Unions which have applied for registration and are not yet registered ; it is felt they should have the benefit of this amending legislation. In future

applications a fee will be charged of One Guinea for application to register, when an advertisement will appear in the Gazette, but in the case of those who have already applied this fee will not be charged.

Amendment approved.

Clause 5.

The Hon. the Deputy Chief Secretary :

Sir, I beg to move that clause 5 be amended by substituting a semi-colon for the full stop appearing at the end of paragraph (c) of sub-section (1) of suggested new section 11A and adding the following new paragraph:—

(d) contains the words "native authority" or "native administration" or any words which suggest or are calculated to suggest that the trade union has any connection with a native authority except with the written consent of the Governor.

The reason for that is fairly obvious I think. You may have a small Union in a large native administration which calls itself by some high faluting name as if it represented the whole of that native administration and in point of fact it represents only a small section of it. Therefore a wrong impression may be formed.

Amendment approved.

Clause 6.

The Hon. the Deputy Chief Secretary :

Sir, I beg to move that clause 6 be amended by deleting the word "may" in the third line of paragraph (1) and inserting the word "shall" before the word "register" in the fifth line thereof.

The reason for this I have already explained to Honourable Members.

Amendment approved.

The Second Lagos Member (The Hon. Jibril Martin) :

Sir, in clause 6, section 12 (3), the last three lines, I want to suggest the following amendment, that the last three lines be deleted and the following sentence substituted "Any such order of the Supreme Court shall be subject to appeal to the West African Court of Appeal".

The Hon. the Deputy Chief Secretary :

I fear I must oppose that amendment Your Excellency. Even as it is an appeal to the Supreme Court is going to cost Unions a certain amount of money, but if the Supreme Court, which would not turn down the application without good reason, supports the Registrar on his refusal, I see no reason why Trade Unions should waste any more money in going on to the West African Court of Appeal.

The Member for the Rivers Division (The Hon. S. B. Rhodes, C.B.E.) :

Your Excellency, a question may arise where the decision of the West African Court of Appeal may determine the matter. I don't see how we can prevent Trade Unions spending their money this way and one Union might spend money to save other Unions spending money in the future by getting their decision.

The Second Lagos Member (The Hon. Jibril Martin) :

I don't think it is generally realised that the right of appeal is the right of a British subject and cannot be taken away.

His Excellency :

The Government is prepared to accept that amendment.

Amendment approved.

Clause 7.

The Second Lagos Member (The Hon. J. Martin) :

Clause 7, Sir. Consequential on clause 6 I beg to move that clause 7 be amended by inserting a full stop after the words " under section 12 " and deleting the words " and the decision of the Supreme Court on such appeal shall be final and conclusive and shall not be subject to appeal to any other court."

Amendment approved.

Clauses 8 and 9.

Title.

Council resumed.

The Hon. the Deputy Chief Secretary :

Sir, I beg to report the Bill from committee with six amendments, and beg to move that the Bill as amended be now read a third time and passed.

The Hon. the Commissioner of Labour :

I beg to second.

Bill read a third time and passed.

THE WEST AFRICAN COURT OF APPEAL (AMENDMENT) ORDINANCE, 1943**The Hon. the Attorney-General :**

Sir, I beg to move the second reading of a Bill entitled :—

An Ordinance to amend the West African Court of Appeal Ordinance, 1933.

The Hon. the Commissioner of the Colony :

I beg to second.

The First Lagos Member (The Hon. H. S. A. Thomas) :

Your Excellency, this is a very important Bill, and in view of the fact that in one case we have just considered right of appeal to the West African Court, I want to call attention to the fact that in this matter of land the right of appeal, especially under the registration of Titles and Ordinances is not allowed to the West African Court of Appeal, and this does not seem to rectify the position because there is no proviso which would permit this to be of such effect as would allow appeal to the West African Court of Appeal. I don't know whether Government would be prepared to grant appeal, perhaps under another Ordinance, or by making provision in this Ordinance.

The Second Lagos Member (The Hon. J. Martin) :

This is an Ordinance to give effect to the provisions which have been made in some other Ordinance. I think this is not the proper Bill, it should be the Registration of Land Bill.

The Hon. the Attorney-General :

As the Honourable the Second Lagos Member states, the place where that particular matter should be considered is in the Bill dealing with registration of land. If it is decided that an appeal should lie then the amendment will be made to that Ordinance. That is not being considered, Sir, but if the amendment had been made in that Ordinance and we did not have this amendment it would be useless. The amendment just made to the Trade Union Ordinance would be useless without this.

The First Lagos Member (The Hon. H. S. A. Thomas) :

I am not making an amendment. I am simply putting out a feeler to see if Government intends to do anything.

Bill read a second time.

In committee.

Enactment.

Clause 1.

Clause 2.

The Hon. the Attorney-General :

Sir, I beg to move that clause 2 be amended by substituting the figure " 4 " for the figure " 3 " and the expression " 4A " for the expression " 3A " respectively wherever such figure or expression occurs.

Amendment approved.

Title.

Council resumed.

The Hon. the Attorney-General :

Sir, I beg to report the Bill from committee with one amendment. I beg to move that the Bill as amended be now read a third time and passed.

The Hon. the Commissioner of the Colony :

I beg to second.

Bill read a third time and passed.

THE LAND AND NATIVE RIGHTS (AMENDMENT) ORDINANCE, 1943.

The Chief Commissioner, Northern Provinces :

Sir, I beg to move the second reading of a Bill entitled :—

An Ordinance to amend the Land and Native Rights Ordinance (Chapter 85).

The Hon. the Chief Secretary to the Government :

I beg to second.

Bill read a second time.

In committee.

Enactment.

Clauses 1 to 3.

Schedule.

Title.

The Hon. the Attorney-General :

Sir, the title contains the words " (Chapter 85) " and these should not be there. I therefore move that they be deleted.

Amendment approved.

Council resumed.

The Chief Commissioner, Northern Provinces :

Sir, I beg to report the Bill from committee with one amendment, and beg to move that the Bill as amended be now read a third time and passed.

The Hon. the Chief Secretary to the Government :

I beg to second.

Bill read a third time and passed.

Council adjourned at 4.46 p.m.

Debates in the Legislative Council of Nigeria

Saturday, 27th March, 1943

Pursuant to notice the Honourable the Members of the
Legislative Council met in the Council Chamber, Lagos,
at 10 a.m. on Saturday, the 27th of March, 1943.

PRESENT

OFFICIALS

- The Governor,
His Excellency Sir Bernard Bourdillon, G.C.M.G., K.B.E.
- The Chief Secretary to the Government,
The Honourable A. W. G. H. Grantham, C.M.G.
- The Chief Commissioner, Northern Provinces,
His Honour Sir Theodore Adams, Kt., C.M.G.
- The Chief Commissioner, Western Provinces,
His Honour G. C. Whiteley, C.M.G.
- The Chief Commissioner, Eastern Provinces,
His Honour G. G. Shute, C.M.G.
- The Attorney-General,
The Honourable H. C. F. Cox, K.C.
- The Acting Financial Secretary,
The Honourable C. Watts.
- The Director of Medical Services,
Dr the Honourable J. W. P. Harkness, C.M.G., O.B.E.
- The Acting Director of Education,
The Honourable C. R. Butler, O.B.E.
- The Director of Marine,
Commander the Honourable A. V. P. Ivey, C.B.E., R.D.,
R.N.R.
- The Comptroller of Customs and Excise,
The Honourable A. E. V. Barton, C.B.E.
- The Deputy Chief Secretary,
The Honourable T. Hoskyns-Abrahall, C.M.G.
- The General Manager, Nigerian Railway,
The Honourable C. E. Rooke.
- The Director of Public Works,
The Honourable S. J. W. Gooch.
- The Director of Agriculture,
Captain the Honourable J. R. Mackie, C.M.G.
- The Honourable W. C. C. King,
Commissioner of Police (Extraordinary Member).
- The Honourable G. L. Howe,
Solicitor-General (Extraordinary Member).

- The Honourable E. C. Crewe,
Postmaster-General (Extraordinary Member).
The Honourable E. A. Miller,
Commissioner of Labour (Extraordinary Member).
The Honourable G. B. Williams, M.C.
Commissioner of the Colony (Extraordinary Member).

ABSENT

- The Senior Resident, Plateau Province,
The Honourable E. S. Pembleton, C.M.G.
The Senior Resident, Kano Province,
The Honourable J. R. Patterson, C.M.G.
The Senior Resident, Oyo Province,
The Honourable H. F. M. White, C.M.G.
The Senior Resident, Sokoto Province,
Comdr. the Honourable J. H. Carrow, D.S.C., R.N.
(rtd.)
The Resident, Benue Province,
The Honourable D. M. H. Beck, M.C.
The Resident, Katsina Province,
The Honourable R. L. Payne.
The Resident, Zaria Province,
The Honourable F. M. Noad.
The Resident, Onitsha Province,
The Honourable D. P. J. O'Connor, M.C.
The Resident, Calabar Province,
Major the Honourable H. P. James.
The Resident, Ondo Province,
Major the Honourable J. Wann.

UNOFFICIAL MEMBERS

- The Member for the Ibo Division,
The Honourable B. O.-E. Amobi.
The Member for the Rivers Division,
The Honourable S. B. Rhodes, C.B.E.
The Member for Calabar,
The Rev. and Honourable O. Efiang.
The Member for the Ibibio Division,
The Honourable N. Essien.
The Member for the Ijebu Division,
Dr the Honourable N. T. Olusoga.
The First Lagos Member,
The Honourable H. S. A. Thomas.
The Commercial Member for Kano,
The Honourable W. T. G. Gates.
The Second Lagos Member,
The Honourable Jibril Martin.
The Commercial Member for Lagos,
The Honourable J. F. Winter.
The Third Lagos Member,
The Honourable Ernest Ikoli.
The Member for Shipping,
The Honourable G. H. Avezathe.
The Member for the Colony Division,
The Rev. and Honourable T. A. J. Ogunbiyi.

The Member for the Egba Division,
The Honourable Olaseni Moore.
The Member for the Cameroons Division,
The Honourable J. Manga Williams.
The Commercial Member for Calabar,
The Honourable W. V. Wootton.
The Member for the Ondo Division,
The Rev. and Honourable Cannon L. A. Lennon, M.B.E.
The Commercial Member for Port Harcourt (Provisional),
The Honourable John Crawford.
The Banking Member (Provisional),
The Honourable K. M. Oliver, M.C.

ABSENT

The Mining Member,
Lt.-Colonel the Honourable H. H. W. Boyes, M.C.
The Member for the Warri Division—(Vacant).
The Member for the Oyo Division—(Vacant).

Prayers

His Excellency the Governor opened the proceedings of the Council with prayers.

Confirmation of Minutes

The Minutes of the meeting held on the 26th of March, 1943, having been printed and circulated to the Honourable Members were taken as read and confirmed.

Papers Laid

The Hon. the Acting Financial Secretary :

Your Excellency, I beg to lay on the table the following paper :—

Report of the Select Committee of Legislative Council appointed to consider the Draft Estimates of Revenue and Expenditure for the year 1943-44.

Questions

Note.—Replies to Questions No. 27 by the Honourable the Member for the Rivers Division, Nos. 43 and 44 by the Honourable the Member for the Ijebu Division, No. 77 by the Honourable the Third Lagos Member, and Nos. 82-87 by the Honourable the Member for the Ijebu Division are not yet ready.

The Member for the Ibo Division (The Hon. B. O.-E. Amobi) :

53. Referring to paragraph 7 (1) of Chief Secretary to the Government's Circular No. 23/1941 of the 29th October, 1941, to ask :—

(a) How many officials whose salaries were less than £66 per annum on October 1st, 1941, obtained First Class Certificates from each of the following Departmental Technical Schools :—

Forestry,
Posts and Telegraphs,
Public Works Department,
Medical, and
Agriculture ?

(b) How many of those in each of the Departments have completed three or more years' service on the 1st October, 1941 ?

(c) Were their salaries raised to £66 per annum on 1st October, 1941 ? If not, why not ?

(d) Supposing a student completed a three-year course in any of the above schools on 1st October, 1941, and obtained a First Class Certificate, what would be his salary on that date ?

(e) Is there any difference between First Class Certificate obtained on 1st October, 1941, and that obtained before that date ?

(f) If the answer to (e) is in the negative, why then should a person who completed a three-year course and obtained a First Class Certificate before the 1st October, 1941, not be raised to £66 per annum on the 1st October, 1941, according to paragraph 7 (1) of the Circular referred to above ?

(g) If the answer to (e) is in the affirmative, what is the difference ?

Answer—

The Hon. the Chief Secretary to the Government :

The only technical staff in training to whom paragraph 7 of Circular No. 23/1941 applies, *i.e.*, those who receive a fixed rate (£36 *per annum*) of subsistence allowance throughout the period of training, are Dispensers. Other technical staff referred to in the question are engaged on the usual standard scale and granted increments during their period of training. The particulars for which the Honourable Member asks, so far as Dispensers are concerned, are as follows :—

(a) 14 Dispensers.

(b) 13 Dispensers.

(c) Yes, Sir.

(d) The certificate is not graded. Any student who completed a three-year course in the Pharmacy School and obtained a Certificate under the Poisons and Pharmacy Ordinance No. 42 of 1936 would on appointment to Government Service on the 1st of October, 1941 or thereafter be paid salary at the rate of £66 *per annum*.

(e) No, Sir.

(f) and (g) Do not arise.

BILLS

THE 1943-44 APPROPRIATION ORDINANCE, 1943

The Hon. the Acting Financial Secretary :

Your Excellency, I beg to move for consideration in Committee—

An Ordinance to appropriate the sum of twelve million, four hundred and eleven thousand, five hundred and ninety-seven pounds to the service of the year ending on the thirty-first day of March, one thousand nine hundred and forty-four.

His Excellency :

Before we go into committee to consider the Report of the Finance Committee on this Bill I should like to make a few remarks on the subject of procedure, and I am making them while we are not in committee because I wish them to be recorded in Hansard for future guidance, and I would like Honourable Members to listen with particular attention.

What the House is considering is an Appropriation Bill, and that is what the Finance Committee was considering. It was not, strictly speaking, considering the Estimates. The Estimates are laid on the table to assist the House and the Committee in considering the Appropriation Bill, and it is right and necessary obviously that they should be fully discussed ; but amendments which are proposed are amendments not to the Estimates but to the Appropriation Bill. That is to say, an amendment, taking expenditure, can only be proposed in an item that appeared in the Appropriation Bill, in other words, in a whole vote. Now, when an Honourable Member desires

to suggest that a vote be decreased, he obviously has some particular item in that vote in mind, and it is that particular item in which he actually proposes the decrease. The vote of the House is not taken on that particular item, but on the whole vote. But, at the same time, although it is actually only bound by the vote of the House to decrease the whole vote and not any particular item, it would be highly improper, on the part of Government, to transfer the decrease to another item on the same vote. My point is this, that the Estimates are, so to speak, a domestic matter. The Government lays them on the table for the information and assistance of the House, and they are discussed fully in committee. But, whether any alteration is made in those Estimates, other than an alteration which is necessitated by a vote of the House, is entirely a matter within the discretion of the Government.

Now that brings me to the question of the Estimates of Revenue. I notice that in the Report of the Committee it is stated that the Committee accepts these Estimates with certain amendments. Now that statement is entirely out of order. The Estimates of Revenue are laid before the House for its information only, and it is very necessary that they should be so laid because the House obviously cannot criticise the Government's Estimate of Expenditure properly unless it knows what Revenue the Government expects to make. But, although the House has the power to alter the Estimates of Expenditure, it has not the power to alter the Estimates of Revenue. Nevertheless, it is perfectly within its rights in expressing an opinion as to the accuracy or otherwise of those Estimates, and I have no exception whatever to take to paragraph 2 of the Report of the Committee, except insofar as it contains a statement that the committee *accepts* those amendments, and therefore implies that it is in the power of the committee to reject them, which it was not. The report of the committee should therefore read—

“ The Committee is satisfied, however, that, having regard to the known factors, the estimates of revenue, with the amendments recorded in Schedule A hereto, are a reasonable forecast for the year 1943-44 ”.

and I direct the Chairman of the committee to amend the Report accordingly.

This may seem a small question, but it is very important to establish that our procedure is on correct lines, and I should like to make it quite clear that anything I am saying now is not peculiar to Nigeria, but that our procedure is in all respects based as closely as possible on that of the House of Commons, and that it is *not* within the power of the House of Commons to alter the Government's Estimates of Revenue. Of course, if the Government proposes to raise part of that Revenue by additional taxation, then the approval of the House has to be obtained for that taxation, but that is an entirely different matter.

Now, turning to the ninth paragraph of the Report, under the heading “ General,” the committee make a number of suggestions and recommendations, and it is specifically stated that they are suggestions and recommendations. They are not in fact resolutions of the committee and they will not come before this House for its approval or otherwise; they are merely recommendations made to the Government on matters which have occurred to the committee during the course of its deliberation on the Appropriation Bill. Now, it is of the very greatest value to the Government that it should receive those suggestions and recommendations from the Committee, but I would again emphasise that they have no statutory position in the Report and that they cannot be debated in this Council. One of those recommendations is very nearly out of order. It is recommendation (e), which is that the salary of the Commissioner of Labour should be definitely assessed at

£1,600 *per annum*. Now, it is a cardinal feature of parliamentary government that no motion for the expenditure of public money can be moved without the approval of the Government. That is the procedure of course in the House of Commons, and there is a standing order in our own Standing Orders to that effect. What the Government puts before the House when it presents the Appropriation Bill is a request for a definite grant of money for certain purposes. It is not asking the opinion of the House as to whether that grant is adequate or not, it is asking the House for the money that it wants, and it is out of order for any member of the Finance Committee to propose an increase in any amount that has been asked for. A paragraph out of the Manual of Procedure in the Public Business of the House of Commons reads "In committee of supply a motion cannot be made to increase a grant asked for." The demand can be increased by the Government, but a motion by any member that a grant asked for be increased cannot be made. I am not aware if this motion was put to the vote in Finance Committee, but it should not have been put to the vote. Any member who wished to increase that grant should have asked if Government was prepared to increase its demand. If Government was not so prepared to increase its demand there the matter finished. So, as it appears from paragraph 10 of the Report that the Government is not prepared to increase that demand, the question as to whether the salary of the Commissioner of Labour should be increased to £1,600 *per annum* will not come before this House.

The Council will now go into committee to consider the Appropriation Bill in the light of the report of the Select Committee.

In committee.

Enactment.

Clause 1.

First Schedule.

Heads 1-3.

Head 4.

The Hon. the Acting Financial Secretary :

Sir, I beg to move that Head 4 be amended to read £4,380 instead of £3,750, under Administrator-General. This is to give effect to the Government's acceptance of the suggestion that the post of Assistant Administrator-General should be created in the forthcoming year.

Approved.

Head 5.

The Hon. the Acting Financial Secretary :

Sir, I beg to move that Head 5 be amended to read £262,630 instead of £267,080. This is to give effect to the four alterations on page 7 of the Report.

Approved.

Head 6.

Head 7.

The Hon. the Acting Financial Secretary :

Sir, I beg to move that Head 7 be amended to read £22,640 instead of £21,460, to give effect to the proposals on page 7 of the Committee's Report.

Approved.

Heads 8 and 9.

Head 10.

The Hon. the Acting Financial Secretary :

Sir, I beg to move that Head 10 be amended to read £112,470 instead of £112,320, under Customs and Excise,

Approved.

Head 11.

The Hon. the Acting Financial Secretary :

Sir, I beg to move that Head 11 be amended to read £410,970 instead of £409,870.

Approved.

His Excellency :

I would like to put one matter before the House, and that is that, under the Rules of Procedure of the House of Commons, when a resolution passed by the committee of supply is reported to the House, consideration of the Report must be set down for a future date. Well, under that ruling we are out of order in considering the resolution of the Finance Committee to-day, but, in view of the fact that all Unofficial Members were in Finance Committee I propose to disregard that ruling in the interest of the Government and the House.

Heads 12-19.

Head 20.

The Hon. the Acting Financial Secretary :

Sir, I beg to move that Head 20 be amended to read £478,010 instead of £466,520 under Marine, to give effect to the recommendation on page 7 of the Report.

Approved.

Head 21.

The Hon. the Acting Financial Secretary :

Sir, I beg to move that Head 21 be amended to read £638,820 instead of £636,270.

Approved.

Heads 22-24.

Head 25.

The Hon. the Acting Financial Secretary :

Sir, I beg to move that Head 25 be amended to read £558,400 instead of £550,210, Miscellaneous.

His Excellency :

I notice that under Head 25 the Finance Committee have recommended a very large reduction in an already heavily depleted vote for typewriters. Last year the sanctioned estimate for typewriters was £3,000. Owing, I should imagine, very largely to the difficulty of obtaining typewriters, that vote was heavily underspent and only some £2,100 was expended. This year heads of departments—the Financial Secretary will correct me if I am wrong—asked for 150 new typewriters, and that amount was cut down by the Finance Branch to seventy, which appears to me a very drastic cut indeed in the requirements estimated by heads of departments. I am somewhat astonished, therefore, to find that the Finance Committee have recommended that the figure should be cut down to a figure of £500, which appears to me quite ludicrously inadequate for a Government of this size, and I should be very glad if the Honourable Member who moved that reduction could inform the Council of the reasons for moving it.

The Commercial Member for Lagos (The Hon. J. F. Winter) :

Your Excellency, in connection with this particular reduction, it was actually the direct outcome of apparent inability to explain how these machines in Government offices are maintained, looked after and kept in

perpetual service. We were given the Railway for example. Ultimately I was given certain figures, that the Railway had a number of typewriters, some in use here, some outside Lagos. How many of those were in service, how many not in service, we could not be told. At the present moment we all know the position with things of this description—typewriters—and I feel under the circumstances steps should be taken to ascertain that the machines on Government plant were maintained in order and kept in order; If I can be satisfied on that score I shall be quite willing to withdraw my motion.

His Excellency :

May I ask if the Honourable Member is honestly of the opinion that the sum of £500 will suffice for the requirements of Government in the coming year, even supposing that all possible steps are taken to see that existing machines are kept in order?

The Commercial Member for Lagos (The Hon. J. F. Winter) :

That depends on two things, Sir—the office development which is necessary during the course of the year, and the number of machines out of order at the present moment through lack of attention, and when I talk about care of typewriters I do know a little about them. Those are the two points.

His Excellency :

I asked the Honourable Member whether he is of the opinion that, supposing the utmost care is taken and all possible machines brought into use, the sum of £500 would be sufficient.

The Commercial Member for Lagos (The Hon. J. F. Winter) :

I should doubt it, even with that proviso.

His Excellency :

Then I must express my opinion that to reduce the vote to a sum which Finance Committee and the Honourable Member considers would be insufficient is not a responsible act. The procedure which would have been followed in the House of Commons would have been to make a token reduction in the vote, thereby passing a vote of censure on the Government and indicating a very strong opinion that Government should take all possible steps to see that the use of typewriters was regulated. But to reduce the vote to a token figure appears to me not to be an act worthy of a responsible body like the Finance Committee.

The Commercial Member for Lagos (The Hon. J. F. Winter) :

I have explained how I feel on this particular matter, and if you say that the procedure is as you have outlined I must abide by the procedure.

His Excellency :

I regret to say it is impossible to rectify the mistake made. On the consideration of the report that the committee supplied, a motion to increase the amount cannot be made.

The Commercial Member for Lagos (The Hon. J. F. Winter) :

I have given my explanation. That seems to be the most I can do under the circumstances.

His Excellency :

In the circumstances there appear to be two courses open. As I have said before, this Council is voting on the whole head. I have also indicated that it would be highly improper for the Government to transfer any sum from one item in that vote to another, without the consent of the House. But, if the

House consents, one way out of the difficulty would appear to me to be to transfer from Head 19 (Cablegrams) a sum of £1,000 to Head 51 (Typewriters), thus reducing the vote under Cablegrams and leaving it to Government at a later stage in the year to come to such supplemental provision as is necessary. The only alternative would be for Government to come for a large sum for typewriters at once. I am indifferent as to which course be adopted, but if we do not adjust things there is no question that it will be at once necessary for Government to come to the House for a very large supplementary vote for typewriters.

I put it to the House that they agree to the readjustment I have suggested.
Approved.

His Excellency :

While on the subject of typewriters, I should like the Honourable Member to know that a large number of Government servants in this country use their own typewriters for Government business. I myself, and my Private Secretary, have typewriters of our own and they are used almost entirely for Government business.

Head 26.

The Hon. the Acting Financial Secretary :

Sir, I beg to move that Head 26 be amended to read £74,700 instead of £71,560.

Amendment approved.

Heads 27 and 28.

Head 29.

The Hon. the Acting Financial Secretary :

Sir, I beg to move that Head 29 be amended to read £356,620 instead of £350,780 under Posts and Telegraphs.

Amendment approved.

Head 30.

The Hon. the Acting Financial Secretary :

Sir, I beg to move that Head 30 be amended to read £47,570 instead of £47,460.

Amendment approved.

Head 31.

The Hon. the Acting Financial Secretary :

Sir, I beg to move that Head 31 be amended to read £139,870 instead of £136,510.

Amendment approved.

Head 32.

The Hon. the Acting Financial Secretary :

Sir, I beg to move that Head 32 be amended to read £438,510 instead of £438,220.

Amendment approved.

Head 33.

The Hon. the Acting Financial Secretary :

Sir, I beg to move that Head 33 be amended to read £246,280 instead of £244,040.

Amendment approved.

Heads 34 and 35.

Head 36.

The Hon. the Acting Financial Secretary :

Sir, I beg to move that Head 36 be amended to read £134,110 instead of £125,610.

Amendment approved.

Heads 37 and 38.

Head 39.

The Hon. the Acting Financial Secretary :

Sir, I beg to move that Head 39 be amended to read £511,310 instead of £510,940.

Amendment approved.

Head 40.

Head 41.

The Hon. the Acting Financial Secretary :

Sir, I beg to move that Head 41 be amended to read £161,750 instead of £161,680.

Amendment approved.

Total

The Hon. the Acting Financial Secretary :

Sir, I beg to move that the total of the First Schedule be amended to read £8,622,860 instead of £8,578,100.

Amendment approved.

Second Schedule.

Head 1.

The Hon. the Acting Financial Secretary :

Sir, I beg to move that Head 1 be amended to read £3,291,830 instead of £3,288,230.

Amendment approved.

Head 2.

Total

The Hon. the Acting Financial Secretary :

Sir, I beg to move that the total of the Second Schedule be amended to read £3,552,410 instead of £3,548,810.

Amendment approved.

Third Schedule.

Fourth Schedule.

Clause 2.

The Hon. the Acting Financial Secretary :

Sir, I beg to move that clause 2 be amended by the deletion of the expression "eight million, nine hundred and eighty thousand, eight hundred and twenty-seven pounds" and by the substitution therefor of the expression "nine million, twenty-five thousand, five hundred and eighty-seven."

Amendment approved.

Clause 3.

The Hon. the Acting Financial Secretary :

Sir, I beg to move that clause 3 be amended by the deletion of the expression "thirty thousand, seven hundred" and by the substitution therefor of the expression "thirty-four thousand, three hundred."

Amendment approved.

Clause 4.

The Hon. the Acting Financial Secretary :

Sir, I beg to move that clause 4 be amended by the deletion of the expression "eleven thousand, five hundred and ninety-seven" and by the substitution therefor of the expression "fifty-nine thousand, nine hundred and fifty-seven."

Amendment approved.

Clause 5.

Title.

The Hon. the Acting Financial Secretary :

Sir, I beg to move that the title be amended by the deletion of the expression "eleven thousand, five hundred and ninety-seven" and the substitution therefor of the expression "fifty-nine thousand, nine hundred and fifty-seven."

Amendment approved.

Council resumed.

The Hon. the Acting Financial Secretary :

Sir, I beg to report the Bill from committee with six amendments. I beg to move that the Bill be now read a third time and passed.

The Hon. the Comptroller of Customs and Excise :

I beg to second.

Bill read a third time and passed.

THE MINERALS (AMENDMENT) ORDINANCE, 1943

His Honour the Chief Commissioner, Northern Provinces :

Sir, I beg to move the second reading of a Bill entitled—
An Ordinance to amend the Minerals Ordinance.

The Hon. the Chief Secretary to the Government :

I beg to second.

The First Lagos Member (The Hon. H. S. A. Thomas) :

Your Excellency, I regret having to anticipate myself yesterday in speaking before the time was due, but as I said then I have been advised that previous to these amendments people were not restricted with regard to prospecting licences, but section 3 of this Bill gives an alternative, it gives power of restriction, and I have been asked whether Government will consider the question of removing this restriction.

Then another point is that although a man is expected to possess a copy of the Rules and Orders relating to Mining, there has been no copy available since February last. Perhaps Government will take steps to see that copies are made available so that this portion of the Bill will really be operative and the people will have the opportunity of getting copies.

Another point that has been made to me is with regard to paragraph 20 (a) 1a. It is to the effect that no-one will be granted the right of prospecting unless he has experience in mining or mining qualifications. Well, it is pointed out that there is no school of mining in Nigeria and that such a provision would rather restrict Africans from taking part in mining. I feel it my duty to bring these points to the notice of this House as these were repeated to me, and I feel also that a statement from the House would tend to allay any feeling of distrust and perhaps make things generally satisfactory to the African.

The Member for the Ibibio Division (The Hon. N. Essien) :

*Your Excellency, I beg to draw Your Excellency's attention to a question which was put to this House by the Honourable Third Lagos Member

*Not revised by speaker.

during the 1942 Budget Session. The question the Honourable Member put was "How many prospecting rights or licences have been issued in the last five years by the Mines Department and how many such holders of prospecting rights are Africans and how many of them are Europeans or European firms?" The reply of the Honourable Chief Secretary was—

In 1937	5	Africans	138	Europeans
1938	5	"	98	"
1939	3	"	100	"
1940	14	"	93	"
1941	20	"	100	"

I submit, Sir, that in view of the reply to this question, which disclosed that at that time Africans did not take much interest in mining but now there is evidence of the fact that more Africans are taking an interest now and trying to understand what mining is; I submit that these restrictions on the Bill now should not be brought into effect against the Africans. I submit, Sir, that this Bill is premature under the circumstances.

I submit another point Sir, that during all these years the people in the North were allowed the right and privilege of mining and there were no restrictions against them other than those under the original law to which this Bill comes as an amendment. And so I submit that now Africans in the Eastern Provinces are getting themselves interested in mining I think they should be allowed the same privileges the Northern people enjoyed. I think otherwise it will be held against us as a Government if we should legislate at this time against the people now coming in. They may think this Bill means class legislation, and I submit Your Excellency should extend your sympathy to cover the people in the Eastern Provinces as well as in other provinces of Nigeria, to enjoy the same privilege the people in the North were enjoying before this Bill. I know, Sir, that this Ordinance comes in as an amendment to the existing Ordinance, but I would remind Your Excellency that between 1939 and 1940 there was a Bill brought into this House as an amendment to an existing Ordinance; that was the Deportation Bill. This House, Your Excellency, had satisfied Your Excellency that that Bill should not be passed into law, and Your Excellency exercised your prerogative and sympathised with us and the Bill was thrown out. I think that the same sympathy still exists, and I submit that we be considered, that this Bill be not passed into law, that our people should be allowed to exercise their right of prospecting and mining as the people in the North, and especially to allow Africans to come up to the same stage of enjoying their own right of mining as Europeans have done hitherto.

The Third Lagos Member (The Hon. Ernest Ikoli) :

Your Excellency, I wish just to add this to what the First Lagos Member has said, and that is that there is a certain amount of suspicion among the African mining community in mining areas, such as Jos, that whenever laws are made and left in an elastic state they always apply in such a way as to be prejudicial to their interests. Whether in practice it is so it is very difficult for us not on the spot to know, but I have met with quite a number of Africans interested in mining who told me that whenever laws are made and the interpretation is left to the discretion of officials on the spot, the African is usually the sufferer. I appreciate that at a time like this, when you want to get all the tin you can, that can only be done by people with an expert knowledge of mining, but the provision that only those with adequate mining experience or qualifications in mining will be granted mining rights by Your Excellency leaves the position somewhat elastic, and there is a fear that unless this clause was better clarified or unless it was completely removed,

whenever it comes to apply it in practice it would be against the Africans. As the Honourable First Lagos Member said, there are no mining schools in this country to which people can go for mining knowledge. Those who know anything on the subject are those who work on the spot and gain experience there, so that in a case like this, where an application depends entirely on the Government to say whether an applicant possesses adequate experience, it may be applied in practice against the Africans.

The Hon. the Attorney-General :

Your Excellency, I usually rise to say something about Bills. I do not propose to in this case as that is for my learned friend on my right. There is only one thing I wish to say and that is in reply to a point raised by the Honourable First Lagos Member. He mentioned that the copy of the Minerals Legislation Booklet was out of print. Well, Sir, this book is out of print at present but I have a copy here in my hand which is correct and up to date, and I would like members to know that in my Chambers there are actually complete corrected proofs of a new edition, but that edition will only be correct up to to-day, and I have deliberately detained it for the past month to enable to be put in whatever amendments the Council makes in this Bill. Therefore I hope that in a short time numbers of copies will be available, and I hope the Honourable Member will spend 12s 6d and buy a copy.

His Honour the Chief Commissioner, Northern Provinces :

It is perfectly correct, Sir, as the Honourable First Lagos Member said; that clause 3 introduces a restriction, but clause 3 does not say that that restriction is to be introduced in every case. There is no intention of introducing it in every case. What the clause says is that unless a restriction is put in, the prospecting right to prospect will cover the whole of Nigeria. Now there is a perfectly good reason why it may be desirable to restrict, in fact two good reasons. The first is that we have reason to believe that a certain area which is accessible has tin in it, and we want that prospected to get the tin for war purposes. It seems only reasonable that any new person who applies for the right to prospect should be told to go to that area.

Secondly there is the matter of supervision. The Mines Department is overworked, and if mines are opened up in very remote places they cannot be supervised, and that means that both the health and lives of the labourers may be in jeopardy and also that considerable irregularities may occur which it is quite impossible for the department to remedy.

I believe that no person yet has been refused a prospecting right because he has not been able to obtain a copy of the Ordinance and Regulations. I believe even that borrowing has been allowed.

Then three Honourable Members have commented on the amendment 20 (a) 1a, which requires mining experience or qualifications in mining, and one objection given is that there is no school of mining here. It appears that the clause is interpreted to prevent any African from obtaining any mining right. It will be within the recollection of Honourable Members that during the present Session we discussed who should be appointed as Judges, and it has been firmly held by my honourable friends on the left that Judges must not only have qualifications which can only be obtained in England, but must in addition have practice in the same. Well, it seems to me perfectly reasonable that if you are going to apply those qualifications to a Judge you should also apply appropriate qualifications to the people who are going to exploit the capital values of Nigeria. To take a small instance. I don't think any Honourable Member would object to his motor-car driver being required to pass an examination before he gets his licence. Admittedly

he gets that here, but the architect cannot get it here and I think I am right in saying that full medical qualifications cannot be obtained here. But it is perfectly right that we should say that anybody who wishes to do any work which either involves the health and welfare and freedom of individuals or affects the value of the assets of the country should have reasonable qualifications before he is allowed to carry on those operations. It would be very hard if this amendment had stated that he must have qualifications in mining; it would be difficult at the present time for people in this country to go to England. Therefore we have inserted that an applicant should have adequate mining experience. Quite a number of Africans have adequate mining experience and many others can get it now.

The suggestion that these restrictions are against the African is complete nonsense. Whether there is a suspicion to that effect I cannot say, but that suspicion is completely unfounded. During the six years I have been in Nigeria, to the best of my recollection only one African has been refused an application. I am speaking from memory, but I can only recollect one at the moment, and during that time I have refused not less than ten or eleven applications from Europeans, and I give full assurance to this House that in considering applications for mining there is absolutely no distinction made between the African and the European, in fact, when I approved an application the other day, thinking that it was for an African, I found out that it was actually for a European, and it was pointed out that this particular person had unfortunately attempted some mining offence against the Ordinance. Well, in that case I withdrew my approval. It is a small point, but I think it is perhaps worth mentioning as an instance that if anything one is harder on the European than on the African.

Bill read a second time.

In committee.

Enactment.

Clauses 1 and 2.

Clause 3.

The Third Lagos Member (The Hon. Ernest Ikoli) :

Clause 3 (d), Sir—"to any person who is unable to give satisfactory proof that he possesses sufficient money or credit to enable him to pay" Could we not put in a definite sum of money there instead of the words "sufficient money."

His Honour the Chief Commissioner, Northern Provinces :

I am afraid that is impossible, because in some cases the amount is small and sometimes large—it may be £5 or it may be £50—it depends on the area of the land among other things.

Clauses 4 and 5.

Clauses 6-14.

Title.

Council resumed.

His Honour the Chief Commissioner, Northern Provinces :

Sir, I beg to report the Bill from committee without amendment. I beg to move that the Bill be now read a third time and passed.

The Hon. the Chief Secretary to the Government :

I beg to second.

Bill read a third time and passed.

THE TOWNSHIP LOCAL AUTHORITY SERVANTS' PROVIDENT FUND
(AMENDMENT NO. 2) ORDINANCE, 1943

The Hon. the Attorney-General :

Your Excellency, the first Bill standing in my name is a Bill shortly entitled—

The Township Local Authority Servants' Provident Fund (Amendment No. 2) Ordinance, 1943.

The Council will remember that yesterday clause 2 of this Bill was moved by me as an amendment and inserted in the Bill then before Council. The effect of this is that this Bill will serve no useful purpose if proceeded with, and so, with the assent of my colleague the Solicitor-General, who seconded the Bill, and the remainder of the House, I ask leave to withdraw the Bill.

Bill withdrawn.

THE MANILLA CURRENCY (AMENDMENT) ORDINANCE, 1943

The Hon. the Attorney-General :

Your Excellency, I beg to move the second reading of a Bill entitled—
An Ordinance to amend the Manilla Currency Ordinance.

The Hon. the Chief Secretary to the Government :

I beg to second.

The Member for the Rivers Division (The Hon. S. B. Rhodes, C.B.E.) :

Your Excellency, I must thank the Government for taking such prompt action in this matter. It is the first time I have seen the wheels of Government move so quickly, and in this connection I may here say there is a question with regard to manilla currency which has not been answered, and I withdraw that question now.

Bill read a second time.

In committee.

Enactment.

Clauses 1 and 2.

Title.

Council resumed.

The Hon. the Attorney-General :

Sir, I beg to report the Bill from committee without amendment. I beg to move that the Bill be now read a third time and passed.

The Hon. the Chief Secretary to the Government :

I beg to second.

Bill read a third time and passed.

Council adjourned at 11 a.m. sine die.

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Debates in the Legislative Council of Nigeria

Monday, 2nd August, 1943

Pursuant to notice the Honourable the Members of the
Legislative Council met in the Council Chamber, Lagos,
at 10 a.m. on Monday, the 2nd of August, 1943.

PRESENT

OFFICIAL MEMBERS

- The Officer Administering the Government,
His Excellency A. W. G. H. Grantham, C.M.G.
- The Acting Chief Secretary to the Government,
The Honourable T. Hoskyns-Abrahall, C.M.G.
- The Chief Commissioner, Western Provinces,
His Honour G. C. Whiteley, C.M.G.
- The Chief Commissioner, Northern Provinces,
His Honour J. R. Patterson, C.M.G.
- The Acting Chief Commissioner, Eastern Provinces,
His Honour F. B. Carr.
- The Attorney-General,
The Honourable H. C. F. Cox, K.C.
- The Financial Secretary,
The Honourable G. N. Farquhar, C.M.G., M.C.
- The Director of Medical Services,
Dr the Honourable J. W. P. Harkness, C.M.G., O.B.E.
- The Acting Director of Education,
The Honourable C. R. Butler, O.B.E.
- The Acting Director of Marine,
Commander the Honourable G. W. Trinick, R.D., R.N.R.
- The Acting Comptroller of Customs and Excise,
The Honourable J. McLagan, O.B.E.
- The Senior Resident, Oyo Province,
The Honourable H. F. M. White, C.M.G.
- The Senior Resident, Kano Province,
Commander the Honourable J. H. Carrow, C.M.G.,
D.S.C., R.N. (Rtd.).
- The Resident, Warri Province,
Major the Honourable R. L. Bowen, M.C.
- The Acting General Manager of the Railway,
The Honourable A. J. F. Bunning.
- The Director of Public Works,
The Honourable S. J. W. Gooch.

- The Acting Director of Agriculture,
The Honourable A. G. Beattie.
Captain the Honourable L. Nicholls, M.C.
Acting Chief Conservator of Forests (Extraordinary,
Member).
The Honourable J. J. Emberton, M.C.,
Administrative Director of Minerals Production (Extra-
ordinary Member).
The Honourable E. A. Miller,
Commissioner of Labour (Extraordinary Member).
The Honourable G. B. Williams, M.C.,
Commissioner of the Colony (Extraordinary Member).
Captain the Honourable W. W. Henderson, C.B.E.,
Director of Veterinary Service (Extraordinary Member).

UNOFFICIAL MEMBERS

- The Member for the Ibo Division,
The Honourable B. O.-E. Amobi.
The Member for the Rivers Division,
The Honourable S. B. Rhodes, C.B.E.
The Member for the Ibibio Division,
The Honourable N. Essien.
The Member for the Ijebu Division,
Dr the Honourable N. T. Olusoga.
The First Lagos Member,
The Honourable H. S. A. Thomas.
The Mining Member,
Lt.-Col. the Honourable H. H. W. Boyes, M.C.
The Commercial Member for Kano,
The Honourable W. T. G. Gates.
The Second Lagos Member,
The Honourable Jibril Martin.
The Commercial Member for Lagos,
The Honourable J. F. Winter.
The Third Lagos Member,
The Honourable Ernest Ikoli.
The Member for the Colony Division,
The Rev. and Honourable T. A. J. Ogunbiyi.
The Member for the Egba Division,
The Honourable Olaseni Moore.
The Member for the Cameroons Division,
The Honourable J. Manga Williams.
The Commercial Member for Port Harcourt,
The Honourable Fred Edmondson.
The Member for the Ondo Division,
The Rev. and Honourable Canon L. A. Lennon, M.B.E.
The Member for the Oyo Division,
The Honourable Akinpelu Obisesan.
The Banking Member (Provisional),
The Honourable K. M. Oliver, M.C.
The Commercial Member for Calabar (Provisional),
The Honourable D. M. Calder.
The Member for Shipping (Provisional),
The Honourable R. P. H. Davies.

ABSENT

OFFICIAL MEMBERS

- The Senior Resident, Plateau Province,
The Honourable E. S. Pembleton, C.M.G.
- The Senior Resident, Bornu Province,
Captain the Honourable E. W. Thompstone, M.C.
- The Resident, Benue Province,
The Honourable D. M. H. Beck, M.C.
- The Resident, Onitsha Province,
The Honourable D. P. J. O'Connor, M.C.
- The Resident, Calabar Province,
Major the Honourable H. P. James.
- The Resident, Ilorin Province,
Captain the Honourable J. P. Smith.
- The Resident, Bauchi Province,
Captain the Honourable H. H. Wilkinson.

UNOFFICIAL MEMBERS

- The Member for Calabar—(Vacant).
- The Member for the Warri Division—(Vacant).

PRAYERS

His Excellency the Governor opened the proceedings of the Council with prayers.

CONFIRMATION OF MINUTES

The Minutes of the meeting held on the 27th of March, 1943, having been printed and circulated to the Honourable Members were taken as read and confirmed.

OATHS

The Honourable G. N. Farquhar, C.M.G., M.C., Financial Secretary; Commander the Honourable G. W. Trinick, R.D., R.N.E., Acting Director of Marine; the Honourable J. McLagan, O.B.E., Acting Comptroller of Customs and Excise; Commander the Honourable J. H. Carrow, C.M.G., D.S.C., R.N. (Rtd.), Senior Resident, Kano Province; the Honourable A. J. F. Bunning, Acting General Manager of the Railway; the Honourable A. G. Beattie, Acting Director of Agriculture; the Honourable Akinpelu Obisesan, Member for the Oyo Division; the Honourable D. M. Calder, Commercial Member for Calabar (Provisional); the Honourable R. P. H. Davies, Member for Shipping (Provisional); Captain the Honourable L. Nicholls, M.C., Acting Chief Conservator of Forests (Extraordinary Member); the Honourable J. J. Emberton, M.C., Administrative Director of Minerals Production (Extraordinary Member); the Honourable E. A. Miller, Commissioner of Labour (Extraordinary Member); the Honourable G. B. Williams, M.C., Commissioner of the Colony (Extraordinary Member) and Captain the Honourable W. W. Henderson, C.B.E., Director of Veterinary Services (Extraordinary Member), took the Oath as Members of the Council.

PAPERS LAID

The Hon. the Acting Chief Secretary to the Government:

Your Excellency. I beg to lay the following papers on the table:—

- Sessional Paper No. 7 of 1943, Annual Report on the Prisons Department for the year 1941.
- Sessional Paper No. 8 of 1943, Report on the progress of Co-operation in Nigeria 1941-42.
- Sessional Paper No. 9 of 1943, Annual Report on the Geological Survey Department, 1942.
- Sessional Paper No. 10 of 1943, Report on the Audit of Accounts of Nigeria for the year ended 31st March, 1942.
- Annual Report for the year ended 31st December, 1942, by the Registrar of Companies.
- Report of the Finance Committee for the period from February, 1943 to June, 1943.
- Subsidiary legislation made since the last meeting of the Council.
- Certificates of Urgency in respect of the following Bills:—
- An Ordinance relating to the Board of Management of the Railway Servants' Provident Fund.
- An Ordinance to amend the Military Units Ordinance, 1941.
- Certificate of Urgency in respect of a Resolution relating to the amount appropriated for the purposes of the Education Department for the year 1943-44.
- Certificates of Urgency in respect of two Resolutions and Orders made under the Customs Tariff Ordinance, 1941.
- Certificate of Urgency in respect of the Resolution and Order made under the Excise Ordinance, 1941.

QUESTIONS

NOTE.—Replies to Questions No. 1 by the Honourable Member for the Ijebu Division, No. 3 by the Honourable the Third Lagos Member, Nos. 12, 13 and 15 by the Honourable the First Lagos Member, No. 22 by the Honourable Member for the Colony Division, No. 26 by the Honourable the First Lagos Member, No. 28 by the Honourable Member for the Colony Division, Nos. 33, 37, 40 and 41 by the Honourable Member for the Egba Division, Nos. 44, 45, 46, 47 and 48 by the Honourable the Third Lagos Member, are not yet ready.

The Member for the Ijebu Division (Dr. the Hon. N. T. Olusoga):

2. (*Question No. 44 of the 15th of March, 1943*). (a) After about a year's propaganda for Cassava production and Government's advice to farmers in this connection, to ask what is the exact position to-day in regard to export of Cassava starch, and the price per ton obtainable?

(b) Can the people of the Western Provinces of Nigeria consider the demand for Cassava starch as nil?

Answer—

The Hon. the Chief Secretary to the Government:

(a) Up to the end of April, 1943, Cassava Starch was purchased freely on a basis of £12 3s 0d per ton ex-scale at port. Export during the early months of the year was delayed owing to lack of shipping space.

(b) The Honourable Member is referred to Government Notice No. 765 in *Gazette* No. 32 of 8th July, 1943.

The Third Lagos Member (The Hon. Ernest Ikoli):

4. (*Question No. 79 of the 15th of March, 1943*). (a) Inviting attention to a ruling made by His Honour the Chief Justice that "he is satisfied that Debt-Collectors cannot appear in Court to represent their clients even if they hold a Power of Attorney and even if their clients are unavoidably absent", to ask whether such a ruling was supported by Order XI, paragraph I, of the Rules of Civil Procedure in the Courts Civil Manual?

(b) To ask also whether, in view of the fact that persons outside Lagos with business interests in the town are put into great inconvenience by this ruling, Government will set aside the ruling as it appears to be in conflict with the provision in Order XI in the Courts Civil Manual referred to above?

Answer—

The Hon. the Chief Secretary to the Government:

(a) The answer to this question can only be decided by the Courts.

(b) In view of the answer to (a) this question does not arise.

The Member for the Ijebu Division (Dr. the Hon. N. T. Olusoga):

5. (*Question No. 82 of the 15th of March, 1943*). *Apropos of* Question No. 56 of the 6th of March, 1939, to ask:

(a) Whether the reorganisation which Government stated was going to take place in the Ijebu Province in regard to standardisation of the scale of the stipends of Chiefs has now been completed?

(b) If so, in what town has the reorganisation been made?

(c) What is the scale of the stipends of the Chiefs concerned?

(d) Is Ijebu Remo Division affected by this reorganisation, if so, what is the stipend position there?

Answer—

The Hon. the Chief Secretary to the Government:

(a) No, Sir. In reply to Question No. 56 of the 6th of March, 1939, it was stated that Government had no intention of introducing any new method for calculating the salaries of Chiefs in the Ijebu Province.

(b), (c) and (d) Do not arise.

The Member for the Ijebu Division (Dr. the Hon. N. T. Olusoga):

6. (*Question No. 83 of the 15th of March, 1943*). Is it a fact that towards the end of last year a joint representation was made by all the Ijebu Remo Chiefs asking for increased stipends? If so, what is the Government attitude towards this representation, and what has been done?

Answer—

The Hon. the Chief Secretary to the Government:

Yes, Sir. A governing factor of importance in determining the salaries of Chiefs is the amount of tax collected in a given area. The salaries of the Akarigbo and Chiefs represent approximately nineteen per cent of the gross tax of Ijebu-Remo. In reply to their representations, the Chief Commissioner stated that he would have no objection to adjustment of salaries paid to individuals in Ijebu-Remo within the total expenditure at present approved

under Head I, Item 2 of the Native Administration estimates, but that he would not be prepared to approve any increase in that total expenditure since this, in His Honour's opinion, already absorbed a sufficiently high proportion of the Native Administration revenue.

The Member for the Ijebu Division (Dr. the Hon. N. T. Olusoga):

7. (Question No. 84 of the 15th of March, 1943). Can Government state in the case of each of the Ijebu Remo Chiefs what is the percentage received on the actual revenue derivable from the town of each Chief?

Answer—

The Hon. the Chief Secretary to the Government:

Unit	Chief	Salary as a percentage of tax
Shagamu	Akarigbo	9% of total gross tax of Remo area
Offin	Olisa	3% " " "
Makun	Ewusi	7% " " "
Iperu	Alaperu	7% " " "
Ogere	Ologere	9% " " "
Ode-Remo	Alaiye-Ode	10% " " "
Ishara	Odemo	8% " " "
Ipara	Onipara	17% " " "
Akaka	Alakaka	31% " " "
Ilishan	Alalishan	9% " " "
Ikenne	Alakenne	8% " " "
Ilara	Alara	45% " " "
Irolu	Onirchu	24% " " "
Ogijo	Lemo Ogijo	12% " " "

These are percentages of the gross tax paid in 1941-42—not to the Native Administration share. The higher percentages represent small actual salaries to the Chiefs in very small towns.

The Member for the Ijebu Division (Dr. the Hon. N. T. Olusoga):

8. (Question No. 85 of the 15th of March, 1943). (a) In regard to the Ewusi of Makun, Shagamu, the Odemo of Isara and the Alaperu of Iperu, can Government state whether these three Chiefs can reasonably be considered as receiving an equitable stipend as compared with the stipends of the other Chiefs in Ijebu Remo?

(b) If not, what is the reason for the lower percentage being received by these three Chiefs on the revenue derivable from their towns?

Answer—

The Hon. the Chief Secretary to the Government:

(a) and (b). Government has no objection to the adjustment of salaries paid to individuals in Ijebu-Remo, by mutual arrangement within the total expenditure at present approved. Though the percentage is lower the actual salaries paid to the three chiefs named are higher than those paid to any other Remo chiefs excepting the Akarigbo.

The Member for the Ijebu Division (Dr. the Hon. N. T. Olusoga):

9. (*Question No. 86 of the 15th of March, 1943*). After the separation of Ijebu Remo Division from Ijebu Ode, why did Government not adjust the stipends of all Chiefs of Ijebu Remo so as to remove any obvious disparity in the rates of emoluments or stipends?

Answer—

The Hon. the Chief Secretary to the Government:

Such a general adjustment of the salaries paid to Ijebu-Remo Chiefs would have inevitably given rise to jealousy and would have prejudiced the success of the new Native Administration. Moreover it is thought preferable that any such adjustment should be made by mutual arrangement among the Chiefs concerned, (cf. reply to 8 (a) and (b)).

The Member for the Ijebu Division (Dr. the Hon. N. T. Olusoga):

10. (*Question No. 87 of the 15th of March, 1943*): In view of the fact that the salaries of the Ijebu Remo Native Administration employees are being substantially increased in accordance with the recent Dods' Committee's recommendations, to ask whether Government would not now consider the possibility of raising the stipends of the Ijebu Remo Chiefs to figures not less than those of their employees?

Answer—

The Hon. the Chief Secretary to the Government:

No, Sir. Government's attitude to this question has already been defined in reply to Question No. 6.

The First Lagos Member (The Hon. H. S. A. Thomas):

11. To ask the Honourable the Director of Marine:—

(a) Whether it is a fact that a Mr. Davies was appointed last February as a non-pensionable clerk in his department at the commencing salary of £60 a year instead of at the initial salary of £36 a year laid down by Government?

(b) What special qualifications, educational and otherwise, are possessed by the said Mr. Davies to justify his being paid a high commencing salary?

Answer—

The Hon. the Director of Marine:

(a) Mr Davies was appointed in February and paid at the rate of £36 per annum.

(b) Does not arise.

The First Lagos Member (The Hon. H. S. A. Thomas):

14. What is the minimum educational qualification which a female applicant is required to possess in order to be eligible for appointment to the post of a Book-binding Assistant in the Printing Department?

Answer—

The Hon. the Chief Secretary to the Government:

No educational qualification has been prescribed but the point will be considered.

The Member for the Colony Division (The Rev. & Hon. T. A. J. Ogunbiyi):

16. To ask the Honourable the Chief Secretary to the Government:—

(a) What was the purpose and significance of the Conference of representatives from the Colony Division, convened last April by the Commissioner of the Colony and held at the Glover Memorial-Hall?

(b) Had it any political object?

(c) What sections of the community were represented?

(d) Was representation by election or nomination?

(e) Is the Conference to be held yearly or half-yearly?

(f) What were the subjects discussed at the Conference?

(g) Who bore the expenses of the Conference?

(h) Was the Lagos aboriginal section represented? If not, why not?

(i) Has the Member for the Colony Division any recognised status at such a Conference and was he officially invited to it? If not, why not?

(j) Whom did those who attended the Conference from Epe represent, the Bales, Chiefs or the people?

Answer—

The Hon. the Chief Secretary to the Government:

(a) The Conference was suggested by some of the Native Authorities in the Colony and was convened at the unanimous request of all the Native Authorities. The object was to discuss matters of general interest to them. Every item on the agenda was put forward by one or more of the Native Authorities.

(b) The Conference had no political object other than that set out in (a).

(c) The Native Authorities.

(d) Each Native Authority chose its representatives in its own way.

(e) It was decided at the Conference that the next one should be held in 1944.

(f) The subjects discussed were:—

(i) The Colony Boundaries.

(ii) The Powers of Native Courts.

(iii) The Trial of Land Cases.

(iv) Sitting fees and Chiefs' salaries.

(v) Revision of Salaries of Native Authority employees.

(vi) Inter-transfer of employees among Native Authorities.

(vii) Application of section 13 of the Forced Labour Ordinance, 1933.

(viii) Night Guards.

(ix) Rent Allowance for Native Authority employees.

(g) The only expenditure incurred was the cost of the transport of some of the representatives. This was very small and was met by the Native Treasuries concerned.

(h) The Township of Lagos has no Native Authority and was, therefore, not represented.

(i) The Honourable the Member for the Colony Division cannot be said to have any official status at a Conference of Native Authorities. He was in fact chosen as a representative of the Ikeja Advisory Council but was unable to attend the Conference.

(j) Those who attended from Epe represented the Epe Area Council by whom they were chosen.

The Member for the Colony Division (The Rev. & Hon. T. A. J. Ogunbiyi):

17. To ask:—

(a) If Government is aware that recently the Oba Falolu installed certain chiefs for Lagos, Ajiran and Ojo?

(b) Was Government approval given for the installation of these Chiefs?

(c) What is the attitude of Government towards such Chiefs if they are appointed in an irregular manner?

(d) Why is the newly-installed Oloja still in Lagos and has not gone back to his chiefdom?

(e) Whether Government can say whose guest the Oloja is in Lagos?

Answer—

The Hon. the Chief Secretary to the Government:

(a) Yes, Sir.

(b) No, Sir.

(c) The Commissioner of the Colony informed the Oba Falolu and the towns in the Colony affected that the grant of customary titles in Lagos was a matter for the House of Docemo in which he would not interfere; but that the conferment of such titles in Lagos could not be allowed in any way to interfere with the complete freedom of the people in towns and villages in the Colony to choose their own heads.

(d) The people of Ojo chose Belo Ayilara as Olojo and he has been recognized as such by the Government. The Oba Falolu contrary to the advice of the Commissioner of the Colony conferred the title upon one Liasu Akilodi. The latter has been informed that there is no objection to his returning to Ojo as a private person but that he must not in Ojo use the title of Olojo. It is presumed that it is for this reason he has not returned.

(e) This is not the concern of Government and no information is available.

The Member for the Colony Division (The Rev. & Hon. T. A. J. Ogunbiyi):

18. To ask the Honourable the General Manager, Nigerian Railway:—

(a) Why more than one ticket Collector are not employed on congested suburban passengers trains, particularly during week-ends?

(b) Whether he is aware that unauthorised persons are in the habit of collecting fares from ignorant passengers and of absconding with the proceeds?

(c) What precautions are taken by the Station Masters to prevent passengers from travelling on trains without the necessary tickets?

(d) Whether he is aware that there are many complaints that railway passengers are unable to obtain attention from the ticket-clerks before the arrival of the train at the station or sometimes that all tickets for destination stations are sold out?

Answer—

The Hon. the Acting General Manager of the Railway:

(a) More than one ticket collector is employed on suburban passenger trains whenever possible, but shortage of qualified staff caused by increased traffic demands does not permit of additional ticket collectors being allocated to suburban trains as a permanent measure at present.

(b) Yes—everything possible is done to put a stop to this practice and bring the persons concerned to justice.

(c) Railway Bye-Laws make it imperative that passengers travelling in a train shall have a proper pass or ticket and provide penalties for travelling without such pass or ticket.

The onus for obtaining a ticket before commencing the journey rests upon the passenger and it is not one of the Station Master's duties to detect passengers who have not purchased tickets.

(d) Specific complaints from passengers that they have been unable to obtain tickets before the arrival of the train are examined. In the majority of cases it is found that the passenger did not arrive at the station in sufficient time to book. Booking offices are open for the sale of tickets half an hour before and may be closed five minutes before the advertised time of departure of trains. No cases have been reported recently in which tickets were alleged to have been sold out for any particular destination. A stock of blank card passengers tickets is available at stations to cover such an emergency.

The Member for the Colony Division (The Rev. & Hon. T. A. J. Ogunbiyi):

19. To ask the Honourable the Chief Secretary to the Government:—

(a) At what places in Nigeria are Reading Rooms provided by the Information Office?

(b) How are these Reading Rooms financially maintained?

(c) Are salaried librarians provided? If so, at whose expense?

(d) Whether any of the Reading Rooms was closed down during the last three months? If so, why?

Answer—

The Hon. the Chief Secretary to the Government :

(a) Reading Rooms have been established in the Northern Provinces at :—

	Maiduguri	Birnin Kebbi
	Sokoto	Gusau
	Ilorin	Nguru
	Minna	Idah
	Jos	Makurdi
	Lokoja	Wukari
	Zaria	Katsina
	Kano	Biu
	Kafanchan	Abuja
	Yola	Fika
in the Western		
Provinces at	Warri	Ibadan
	Sapele	Oshogbo
	Benin	Ondo
	Abeokuta	Akure
	Ijebu-Ode	Ilesha
	Shagamu	Burutu
	Oyo	Ughelli
in the Eastern		
Provinces at	Port Harcourt	Uzuakoli
	Aba	Victoria
	Onitsha	Mamfe
	Calabar	Bamenda
	Owerri	Kumba
	Ikot Ekpene	Buea
	Abakaliki	
in the Colony at	Ikorodu	
	P.W.D. Headquarters	

(b) These Reading Rooms are maintained from Information Office votes.

(c) Attendants are provided at 10 centres only. Their salaries are paid from Information Office votes.

(d) Only one Reading Room has been closed—that at the Tom Jones Library in Lagos. Its function as a circulating library for Information Office Literature has been absorbed by the Distribution Section of the Office, while the Tom Jones Library continues to receive Information Office publications.

The Member for the Colony Division (The Rev. & Hon. T. A. J. Ogunbiyi) :

20. To ask the Honourable the Chief Secretary to the Government :—

(a) Whether Government will make a definite declaration of its attitude towards the Lagos-Ijebu road construction?

(b) Whether Government will make known to the promoters of the road construction under what conditions, if any, the Government would support the project?

(c) Whether Government will be prepared to make a loan to the promoters, if required, in order to hasten the completion of the road?

Answer—

The Hon. the Chief Secretary to the Government :

(a) The Government recognises that the projected road would be a valuable addition to the existing road system. Its sympathy with the aims of the promoters of the road has already been shown by the fact that it has provided a survey of the trace at its own expense.

(b) Owing to shortage of supervisory staff, the extreme difficulty of obtaining steel for the considerable number of bridges required, and financial considerations generally, the Government cannot see its way at present to undertake any further work on the road.

(c) No, Sir. If it is decided in the future to make provision from public funds, the expenditure must be controlled by the appropriate department and be subject to the supervision of the Financial Officers of the Government.

The Member for the Colony Division (The Rev. & Hon. T. A. J. Ogunbiyi) :

21. To ask the Honourable the Chief Secretary to the Government:—

If the Government would give Cost of Living Allowance to the Chiefs in the Colony Division who are in receipt of stipends?

Answer—

The Hon. the Acting Chief Secretary to the Government :

No, Sir. The stipends paid to Chiefs are not intended to cover the cost of maintenance of themselves and their families but are by way of remuneration for certain services rendered in part of their time. The question of a Cost of Living Allowance does not, therefore, arise.

The Member for the Colony Division (The Rev. & Hon. T. A. J. Ogunbiyi) :

23. To ask the Honourable the Chief Secretary to the Government:—

(a) Whether candidates for the post of Forest Guard have to pass any examination before they are engaged?

(b) How many of the 198 Forest Guards now in the service can read and write?

(c) How many of them have attained to the maximum salary of £42 per annum, and what are their names?

(d) How long did it take each of them to reach the maximum salary from the minimum salary of £18 per annum?

Answer—

The Hon. the Financial Secretary :

(a) They are not required to pass any examination.

(b) 171 can read and write English; two are literate in Hausa only.

(c) and (d) Their names and particulars are as follows:—

Name	Date of appointment	Date attained salary of £42
1. John Udo II ..	1.11.11	14.3.24
2. I. O. Goodluck ..	1.9.16	1.1.23
3. A. Agbor ..	1.6.14	1927
4. James Ajayi ..	1.1.14	15.8.27
5. G. Amobi ..	12.4.16	15.8.27
6. Abudu Lasisi ..	1.5.18	1.9.29
7. M. Mbata ..	20.3.23	1.10.30
8. S. Ntui ..	14.4.20	1.11.30
9. E. E. Manson ..	21.2.23	1.7.30
10. Thomas Egu ..	1.7.15	1.12.30
11. I. Bahanwe ..	27.1.19	1.4.36
12. A. Ajidagba ..	1.10.18	1.4.33
13. J. Bazuaye ..	1.5.18	1.7.33
14. J. I. Imafidon ..	1.9.19	1.8.34
15. L. O. Okereke ..	27.5.27	1.9.34
16. E. Egbebo ..	1.5.24	1.7.36
17. J. M. Atugbe ..	2.9.29	1.1.38
18. O. Njoku ..	1.9.28	1.5.39
19. M. H. Akinyemi ..	1.4.32	1.5.39
20. I. Olowu ..	1.11.29	1.1.40
21. E. M. Otor ..	1.11.26	1.4.40
22. M. Ohiwerei ..	1.5.28	1.4.40
23. Y. B. Ogunlana ..	1.5.26	1.10.40
24. S. L. Akerele ..	1.12.30	1.10.40
25. T. Okafor ..	1.3.25	24.10.40
26. B. Ogbonna ..	16.6.25	4.11.40
27. S. N. Igboeli ..	16.6.25	7.11.39
28. J. A. Enahoro ..	1.1.25	2.12.40
29. D. Olowo ..	1.9.20	1.4.42
30. I. Akinyemi ..	1.4.27	1.4.42
31. R. Ogbebor ..	1.7.26	1.6.42
32. P. Ugowe ..	15.6.26	27.7.42

The Member for the Colony Division (The Rev. & Hon. T. A. J. Ogunbiyi):

24. To ask the Honourable the Director of Agriculture:—

(a) Whether, in view of the large quantity of fruit that perishes each year through decay and of the scarcity of fruit when the season is over, the Government is prepared to provide large refrigerators in the different parts of the country for the preservation of fruit?

(b) Whether the Government is prepared to teach the producers how to pick, handle and preserve their fruit?

Answer—

The Hon. the Acting Director of Agriculture:

(a) It is assumed that the Honourable Member's question refers mainly to Citrus fruit and Pineapples. The cost of

refrigeration plant is great and the establishment of such plant would be commercially unprofitable in Nigeria unless combined with refrigeration for other perishable commodities at points where there existed a large market for the produce. I am therefore not prepared to advise the Government to provide refrigerators for the preservation of fruit.

(b) Agricultural Officers in all fruit growing areas are ready to advise growers how to pick and handle their fruit. Preservation for any lengthy period can only be accomplished by canning or drying. Proposals for such facilities can be considered only as a possible post-war development, for the necessary plant and materials are not now obtainable. A commission which is inquiring into the possibilities and economics of vegetables drying is shortly to visit Nigeria. Some of their conclusions may help us in framing a policy for the more economical marketing of fruit.

The Member for the Colony Division (The Rev. & Hon. T. A. J. Ogunbiyi):

25. To ask:—

If Government will not now direct its attention to the housing difficulties with which civil servants are confronted when transferred from one station to another?

Answer—

The Hon. the Financial Secretary:

The obligation of the Government to its African staff in regard to the provision of quarters is embodied in the following quotation from a Memorandum issued in 1922:—

“ That at out-stations, where quarters are difficult to procure, the Government should provide quarters for African employees at a rent sufficient to cover interest on the cost of construction and maintenance.”

The Honourable Member will no doubt appreciate the difficulties of embarking on any building programme during the war owing to the scarcity and high cost of materials. It is not, of course, suggested that the erection of quarters for African staff should on this account be entirely abandoned until the end of the war, but it will not be possible to entertain any proposals for building quarters unless it can be shown unmistakably that they are of the utmost urgency and that no alternative course is practicable. A few specific enquiries on these lines are, in fact, under consideration at the moment.

The First Lagos Member (The Hon. H. S. A. Thomas):

*27. To ask the Honourable the Acting Chief Secretary to the Government:—

Whether it is a fact that His Excellency the Governor (Sir Bernard Bourdillon) gave, at any time, an assurance in this Honourable House that, on a division resulting in a parity of votes, he would throw his casting vote in support of the majority of the Unofficial Members?

Answer—

The Hon. the Acting Chief Secretary to the Government :

No, Sir. His Excellency the Governor could give no such assurance as it might mean giving an undertaking to vote against the dictates of his conscience or against what he might consider to be the interests of Nigeria.

The Member for the Colony Division (The Rev. & Hon. T. A. J. Ogunbiyi) :

29. (a) Are there any hospitals or dispensaries in Epe and Ikorodu in the Colony Division?

(b) What grade of Medical Attendants are placed in charge of them?

(c) What is the average attendance of patients at each place?

(d) Who is responsible for their upkeep—Government or the Native Administration?

Answer—

The Hon. the Director of Medical Services :

(a) There are dispensaries at both places.

(b) Native Administration Dressers. The dispensaries are visited by Government Medical Officers.

(c) Epe—20 *per diem*.
Ikorodu—30 *per diem*.

(d) The Native Administration.

The Member for the Colony Division (The Rev. & Hon. T. A. J. Ogunbiyi) :

30. To ask the Honourable the Director of Medical Services:—

(a) If it is a fact that Dr Majekodunmi, newly arrived from England as a qualified Medical Practitioner, has been appointed to take charge of Calabar Hospital?

(b) If the answer is in the affirmative to ask if and why his case is an exception to the rule that newly qualified Medical Officers should serve a term of months as Cadet Medical Officers in Lagos Hospital before they are given substantive appointment?

(c) What are the conditions to be fulfilled by Medical Assistants before they could fall into line with Africans who qualified in England for the Medical profession?

(d) How many Medical Assistants are now in the service? Did they sign any bond which prevents them from setting up in private practice within a specified period?

Answer—

The Hon. the Director of Medical Services :

(a) No—he is doing Maternity and Child Welfare under the general direction of the Medical Officer in charge Calabar.

(b) Does not arise.

(c) Upon obtaining the diploma of the Nigerian Medical School, they are licensed to practice Medicine and Surgery in Nigeria equally with those who qualify in England.

the public to provide lights and a telephone service in the Station?

Answer—

The Hon. the Acting General Manager of the Railway :

Lafenwa station is one of those earmarked for improvement after the war when it will no doubt be possible to provide better facilities than now exist, including electric light.

The question of installing a telephone in the Station-master's office is receiving consideration now.

The Third Lagos Member (The Hon. Ernest Ikoli) :

42. To ask the Honourable the Chief Secretary to the Government:—

Whether in view of the statement made by the Secretary of State for the Colonies in Parliament on Tuesday, July 13th, about the appointment of a Commission of Enquiry to make a detailed study of the organisation of higher education in West Africa, and to prevent possible overlapping, Government would consider suspension of action on the Morris Ten Year Plan, until such a Commission has reported.

Answer—

The Hon. the Chief Secretary to the Government :

There will be no overlapping as the scope of the ten-year plan does not extend to Higher Education.

The Third Lagos Member (The Hon. Ernest Ikoli) :

43. To ask the Honourable the Chief Secretary to the Government:—

(a) Whether the Committee appointed " to consider the question of the admission of Africans to other than Secretarial posts in the Administrative Service, and to make recommendations thereon " has submitted its report?

(b) If so, will Government lay a copy of such document before this House?

Answer—

The Hon. the Chief Secretary to the Government :

(a) Yes, Sir.

(b) Yes, Sir, but not until after Government has completed its consideration of the Report.

**ADDRESS BY HIS EXCELLENCY THE OFFICER ADMINISTERING
THE GOVERNMENT**

HONOURABLE MEMBERS,

When we dispersed last March we confidently expected that at our next meeting Sir Bernard Bourdillon would still be presiding. Unfortunately, as you know, his health compelled him to return to England earlier than he had intended. With his vast experience, his deep understanding and love of this country, he will be sorely missed. He is, however, still working for Nigeria, as he stated in his farewell Address, and is drawing up memoranda setting out his views on future

constitutional and political developments in the country. I am sure that I am expressing the views of all in Nigeria when I say that we wish him and Lady Bourdillon many happy years in their homeland. I am glad to be able to report that the latest news I have of him is that he is fit and well. I have no news as yet as to when the new Governor will arrive.

The death of Mr Morris the Director of Education is mourned by all. He died at his post, having gone to England to consult with the Colonial Office in connection with the ten-year educational plan. Our sympathy goes out to his relatives.

I welcome two new members—the Financial Secretary, Mr Farquhar, who is already well-known to the Lagos members of the Finance Committee, and Mr Obisesan, the Member for the Oyo Division.

Honourable Members will doubtless wish that I should give a review of the financial position of the country as it has developed since the estimates for the current year were approved by this Council.

It is not yet possible to give the actual results of the past financial year, 1942-43, since the accounts for the year have not yet been closed. It is however already clear that the year will prove to have ended more satisfactorily than the Government expected when the revised estimates of revenue and expenditure for 1942-43 were published last March in the Memorandum on the Estimates. Those revised estimates forecast a deficit of £675,330; but it now seems probable that the year will prove to have ended with a surplus of approximately £52,000. The causes of this remarkable improvement cannot be fully analysed until the accounts for the year have been closed, but it appears to have been due to expenditure falling short of the revised estimate rather than to revenue exceeding it, although substantial excesses on a few heads of revenue have already appeared. (Under Revenue Head, Direct Taxes, for example, the actual receipts for eleven months, up to the 28th February, 1943, exceeded the revised estimate for the whole year by over £100,000, while the actual receipts under Revenue Head, Customs and Excise, for the whole year exceeded the revised estimate by over £60,000.)

At the 28th February, 1943, the actual surplus of revenue over expenditure for eleven months was £387,961. But expenditure for March, the last month of the financial year, may be expected to be much heavier than the average monthly expenditure, including as it does the payment of £170,000 on account of interest on the public debt; and so far as can be judged at present it would not be safe to assume that the past financial year will be found to have ended with a surplus greater than £52,000.

As for the current financial year, 1943-44: since only four months of the year have passed, and the accounts for those four months have not yet been closed, it is impossible to give any reliable forecast of how the

maximum of rapidity. It is hoped that the target figures for rubber, palm kernels, palm oil and tin will all be attained.

As I have said it is the duty of all farmers in Nigeria to produce oil seeds for the United Kingdom but it would be futile to expect producers to exert themselves with no other incentive than the prospect of a handful of cash and nothing to spend it on. Strenuous efforts have therefore been made to obtain adequate supplies of producer goods on which the farmer may spend the surplus proceeds of his labours. A good deal of success has attended our efforts in this direction and the assurance given earlier in the year that textiles would be available for all has been, and will be, fulfilled. It is realised that gunpowder is of the first importance to hunters and others who in their search for wild rubber must go into thick forest. Supplies of powder have therefore been obtained in the United Kingdom and are being distributed widely in the rubber producing areas.

There may have been in some parts of the country some uneasiness about the salt situation, but I am glad to be able to assure Honourable Members that there is no danger of a shortage and both present and future needs are satisfactorily covered.

It will be appreciated that it is little good producing oilseeds or any other commodity for export unless some means exist for getting the produce to port. We have therefore taken all possible steps to obtain sufficient motor lorries to move produce by road and locomotives and waggons to move it by rail, and no difficulty is likely to arise in evacuating our exports during 1943.

Whilst our immediate efforts are, and must be, in connection with the war, we are not forgetting the future. Just before he left, Sir Bernard Bourdillon set up a committee "to consider, co-ordinate and make recommendations to Government regarding the economic and social welfare development schemes in Nigeria, with particular reference to finding employment for demobilised Nigerian soldiers". The Committee is known as "the Advisory Committee on Economic Development and Social Welfare" and its membership is as follows:— the Chief Secretary (Chairman), with the three Chief Commissioners, the Financial Secretary, the Commissioner of Labour, the Chief Conservator of Forests, the Directors of Medical Services, Agriculture, Public Works, Education, and Veterinary Services, Mr Alakija, Mr Ikoli and Mr Winter as members. The terms of reference of the Committee have deliberately been made wide. It will be the duty of the Committee to examine and produce schemes for the economic and social development of the country. Already a number of such schemes have been put forward either by Heads of Government departments or by private individuals. Some of these schemes have been worked out in detail, whilst others are still vague: they all need sifting and co-ordinating. The Committee will recommend an order of priority for the schemes

that it considers desirable. First claim will be those schemes that deal with demobilised soldiers, and also those which do not require material and equipment that may not be available for several years after the end of the war. It will not be possible to implement many of the schemes until after the war, but it is necessary that they should be ready and approved so that they can be launched at the earliest possible moment. Some of them we shall finance ourselves; some of them will require assistance from the Colonial Development and Welfare Fund. The headquarters of the Committee is Lagos, but the Committee will work in close co-operation with the Provincial Committees which have already been set up. Similar committees have been established in most of the large colonies. To co-ordinate the whole there is being set up in London a Colonial Economic Advisory Committee, and similar committees on social welfare and other matters. Earlier in the year Sir Bernard Bourdillon appointed a committee to deal with problems of demobilisation. Those problems are bound up with the wider problems that will occupy the attention of the Economic Development and Social Welfare Committee. The composition of the two committees is therefore the same, with the exception that the demobilisation committee has a military member.

Honourable Members will, I am sure, have been keenly interested in the announcement that was made in the House of Commons the other day by the Secretary of State for the Colonies that he had set up a Commission to make recommendations for the provision in West Africa of improved facilities for higher education, with particular reference to university development, and that three Africans are to be appointed as members.

I come now to the programme of legislative business for this session. First of all there are certain taxation proposals. As I have already stated, our financial position is good, but it could be improved. There is, however, a more pressing reason why further taxation is now necessary: that pressing reason is the danger of inflation. Owing to the very large amount of money that is now in circulation, as a result both of military payments and of the production drive, and to the limited quantity of goods upon which the money can be spent, consideration has continually to be given to anti-inflationary measures of every kind. Price fixing has its limitations, and it is therefore necessary to devise methods of absorbing surplus cash. This method is taxation. There would, however, be no point in increasing taxation in such a manner as to raise the cost of living, which in turn would necessitate the payment of increased cost of living allowances. That way lies inflation. The increased taxes must be so devised that they will only affect articles that fall in the luxury class, such as cigarettes, tobacco and perfumery.

The proposals that will be put before this Council deal almost exclusively with these articles. They are estimated to take out of circulation in a full year £369,000, and to this extent will counteract inflationary tendencies. I shall leave it to the Financial Secretary, when introducing the necessary Resolutions, to explain the proposals in detail. I can assure Honourable Members that the danger of inflation is no figment of the imagination. After the last war it ruined more than one country and brought others to the verge of bankruptcy, with consequent misery and suffering to their peoples. We do not want the same thing to happen here. It is therefore essential that we should take all possible steps against this evil.

I referred earlier in my Address to the salaries of mission teachers. Part of the ten-year educational plan, for which assistance is being sought from the Colonial Development and Welfare Fund, provides for better salaries for mission teachers. The Secretary of State has informed me that the terms of the Act, which is the authority for the Fund, preclude payment from the Fund of the cost of higher salaries. So far therefore as this part of the plan is concerned, it will be necessary for us to find the funds. The estimated cost for the current financial year is some £30,000. The Acting Director of Education will explain the details in due course during this session. The remainder of the plan is still before the Secretary of State and his advisers. The untimely death of Mr Morris has naturally led to some delay, but, in any case, consideration of the Plan, involving as it does a number of points of considerable importance and principle, was bound to take some time.

Of the Bills on the Agenda I would invite particular attention to the Children and Young Persons Bill, which provides for the establishment of Juvenile Courts and the appointment of Probation Officers, which posts will provide a useful field for Africans. Another important Bill is the Labour (Wage Fixing and Registration) Bill, which provides for the establishment of Labour Advisory Boards and the registration of industrial workers. The Commissioner of Labour will explain the details when he is introducing the Bill. There are two Bills based on the report of the committee to enquire into the constitution and financial position of the Lagos Town Council. One of them provides for an increase in the number of unofficial members on the Lagos Town Council. This will make possible a majority of Africans on the Council. The other Bill deals with all townships, and not merely Lagos Town Council. It follows somewhat similar legislation in the United Kingdom and elsewhere and enables the Government to step in in the event of any township failing in its duties: it is hoped that these provisions will never have to be used.

I commend these Bills and proposals to your earnest and sympathetic consideration.

Motions**The Hon. the Financial Secretary :**

Sir, I beg to move the following resolution :—

“ Be it resolved : That the Report of the Finance Committee
“ which was laid on the table to-day be adopted.”

The Report, Sir, speaks for itself, and I have nothing to add to it.

The First Lagos Member (The Hon. H. S. A. Thomas) :

I beg to second.

Motion adopted.

The Hon. the Financial Secretary :

Sir, I beg to move the following Resolution and Order standing in my name :—

Resolution and Order made under section 8 of the Customs
Tariff Ordinance, 1941

You have yourself, Sir, already given a full explanation of the objects and effects of these Resolutions and have requested me to deal with their details.

First, Sir, as to the amount to be taken out of circulation—£369,000. That may seem to some Honourable Members rather a small amount in relation to the amount by which money in circulation in Nigeria has increased ; in fact it is estimated, Sir, that since September, 1939, the amount of money in circulation in Nigeria has increased by about £7,000,000, and that it is now rather more than double what it was before the War. But this, after all, is not the only remedy by which we are attempting to prevent inflation. It is only one of several. It is not even the only taxation method introduced, for we hope that certain recent increases in the rates of direct taxation in the Provinces will take a further £200,000 out of circulation. The smallness of the sum is rather an indication of the extreme care with which the Government has selected a few articles to bear these increases in duty. For the problem before Government is a decidedly difficult one. The surplus spending power which it wants to get at is in the hands of certain sections of the community only, and there is one section which, far from having surplus spending power, has to have its income augmented by Cost of Living Allowance. The problem therefore is to absorb surplus spending power without putting up the cost of living. The Government has had that difficulty in mind throughout in considering these proposals, and, as a result, the very few articles in these two Orders are all that are left out of a much longer list from which all items that could appreciably affect the cost of living have been eliminated.

Except for that general justification, which applies to all the items, Sir, I do not propose to offer any further justification at this stage, but if any Honourable Members raise any queries or objections I shall do my best to answer them, unless they are of too technical a nature to be dealt with by anyone but the Comptroller of Customs and Excise. What I intend to do is explain the increase in duty, which are not ascertainable from the Orders themselves.

Cement. Duty on cement goes up from 6d to 1s per 100 lb. That on Matches goes up from 4s 9d to 6s per gross boxes. Perfumery, toilet preparations and so forth, from 33½ per cent to 66½ per cent *ad valorem*. Duty on unmanufactured tobacco for use in imported cigarettes remains unchanged. The duty on other unmanufactured tobacco has been increased from 4s to 4s 6d per lb. The former duty on cigarettes was 3s 6d per 100, which works out at 35s per thousand, which has been raised from that to 48s per 1,000. For manufactured tobacco, which consists mostly of pipe tobacco, the duty has been increased from 8s to 12s per lb. The duty on sparkling wines from £2 to £2 10s per gallon, and on still wines there were three duties, according to the alcoholic content; each of these has been increased by 25 per cent. The old rate was 12s to 30s, the new rate being from 15s to £1 17s 6d.

Sir, I beg to move.

The Hon. the Acting Comptroller of Customs and Excise :

I beg to second.

The First Lagos Member (The Hon. H. S. A. Thomas) :

Your Excellency, I do not know why matches should be classed as a luxury. The poor man uses matches, and most of those who have Cost of Living Allowance have to use matches. I certainly think that they should not be taxed.

The Member for the Colony Division (The Rev. and Hon. T. A. J. Ogunbiyi) :

I associate myself with the remarks of the First Lagos Member.

The Hon. the Financial Secretary :

I do not think, Sir, it was ever suggested that nothing but luxuries were included in this list. I think Your Excellency said that the increased duties were *mostly* on luxuries. What we aimed at was to put increased taxation on any item that could bear it without hardship to the individual and without putting up the cost of living; and in our opinion matches was one of those items.

His Excellency the Officer Administering the Government :

What will be the increased price per packet?

The Hon. the Acting Comptroller of Customs :

Sir, the increase is 1½d on a packet of 12 boxes of matches.

The Member for the Rivers Division (The Hon. S. B. Rhodes, C.B.E.) :

Sir, as it is we seldom get a box of matches from the market which contains the full quantity, and if this duty is imposed the number of matches will be reduced still further. And as the Honourable the First Lagos Member has said, matches are used by every poor person, every labourer, and I think it will mean hardship if we tax them.

His Excellency the Officer Administering the Government :

Government is not prepared to accept an amendment that matches should be exempt from increased duty. A division will be taken.

Resolution approved by 25 votes to 14.

Honourable Members voted as follows :—

FOR—25

The Hon. the Member for Shipping (Provisional).
 The Hon. the Commercial Member for Calabar (Provisional).
 The Hon. the Banking Member (Provisional).
 The Hon. the Commercial Member for Port Harcourt.
 The Hon. the Mining Member.
 Capt. the Hon. W. W. Henderson, Director of Veterinary Services (Extraordinary Member).
 The Hon. E. A. Miller, Commissioner of Labour (Extraordinary Member).
 The Hon. J. J. Emberton, M.C., Administrative Director of Minerals Production (Extraordinary Member).
 Capt. the Hon. L. Nicholls, Acting Chief Conservator of Forests (Extraordinary Member).
 The Hon. the Acting Director of Agriculture.
 The Hon. the Director of Public Works.
 The Hon. the Acting General Manager of the Railway.
 The Hon. the Resident, Warri Province.
 The Hon. the Senior Resident, Kano Province.
 The Hon. the Senior Resident, Oyo Province.
 The Hon. the Acting Comptroller of Customs and Excise.
 The Hon. the Acting Director of Marine.
 The Hon. the Acting Director of Education.
 The Hon. the Director of Medical Services.
 The Hon. the Financial Secretary.
 The Hon. the Attorney-General.
 His Honour the Acting Chief Commissioner, Eastern Provinces.
 His Honour the Chief Commissioner, Northern Provinces.
 His Honour the Chief Commissioner, Western Provinces.
 The Hon. the Acting Chief Secretary to the Government.

AGAINST—14

The Hon. the Member for the Oyo Division.
 The Hon. the Member for the Ondo Division.
 The Hon. the Member for the Cameroons Division.
 The Hon. the Member for the Egba Division.
 The Hon. the Member for the Colony Division.
 The Hon. the Third Lagos Member.
 The Hon. the Commercial Member for Lagos.
 The Hon. the Second Lagos Member.
 The Hon. the Commercial Member for Kano.
 The Hon. the First Lagos Member.
 The Hon. the Member for the Ijebu Division.
 The Hon. the Member for the Ibibio Division.
 The Hon. the Member for the Rivers Division.
 The Hon. the Member for the Ibo Division.

The Hon. the Financial Secretary :

Sir, I beg to move the second Resolution and Order standing in my name—

Resolution and Order made under section 13 of the Excise Ordinance, 1941

What I have said about the first Resolution and Order applies equally to this. Here again I propose only to explain exactly what the difference is. This Order relates entirely to locally manufactured cigarettes, of which there are two brands—one a superior brand called "Pirates," and an inferior brand called "Bicycles and Motors." No alteration in the duty on "Bicycles and Motors" has been made, but the duty on

"Pirates" has been raised from 32s to 43s 6d per thousand. The Government went very carefully into the figures before deciding upon this particular increase in duty, with particular regard to what the cost would be on sale by the ultimate retailer, and what the relationship should be between locally manufactured cigarettes and the imported, in the light of information which we had as to the probable amount of cigarettes to be imported; and we think we have got them into harmonious relationship.

Sir, I beg to move.

The Hon. the Acting Comptroller of Customs and Excise :

I beg to second.

Resolution adopted.

The Hon. the Acting Comptroller of Customs and Excise :

Sir, I beg to move the following Resolution and Order standing in my name :—

Resolution and Order made under section 6 of the Customs Tariff Ordinance, 1941.

This Resolution, Sir, seeks to add a new item to the Second Schedule of the Customs Tariff Ordinance, 1941, allowing the importation, free of duty, of certain goods for the American armed forces. I might add that a similar concession has already been made by the Imperial Government and by certain other colonies, and that the United States Congress admits goods of a like kind, free of duty, into American territories for the use of the British armed forces.

Sir, I beg to move.

The Hon. the Financial Secretary :

I beg to second.

Resolution adopted.

The Hon. the Attorney-General :

Sir, I beg to move that this Resolution and Order should come into force from to-day's date, namely the 2nd of August, 1943.

The Hon. the Acting Comptroller of Customs and Excise :

I beg to second.

Motion adopted.

The Hon. the Acting Director of Education :

Your Excellency, before moving the Resolution standing in my name I should like to give some explanation to Honourable Members of the reason for the proposed expenditure, which is merely intended as a temporary measure to meet the present situation, pending further consideration of proposals put forward by the late Director of Education in his ten-year Development Plan.

Honourable Members may be aware that the late Director was unable to attend more than one meeting of the Advisory Committee at the Colonial Office before he became too ill to take part in further discussions.

The untimely death of the Director has inevitably caused delay, and the final scheme for the development of Education in this country must await the appointment of a new Director. I should like to take this opportunity to place on record the very great grief of the Department in the loss of its Director, whom we all admired as a great Head of the Department, a man of exceptionally high principles, and quite selfless. There is no need to mention the appreciation of non-Government teachers of his efforts to improve their lot, as they have already amply demonstrated their appreciation and feelings.

The proposals before the Council are for provision to put teachers of Educational bodies, who are now actually in receipt of grants-in-aid, onto the nearest points in the scale proposed in the Ten-year Plan. These scales are the scales suggested originally by the Nigerian Union of Teachers, and were recommended by the Board of Education, with slight modifications, and were approved by Government for inclusion in the Ten-year Plan. These scales have already been approved for teachers employed under Native Administrations.

I should like to take the various items under this Resolution and give a short explanation of each.

- (a) Conversion of salaries of certificated teachers from present scales to the nearest point on the proposed new scales. Estimated cost £4,050.

In addition to the Block Grant paid to Societies approved for grants, Government is already paying the difference between the Mission scale for certificated teachers and the 1937 scale. The extra £4,050 will put these men on to the nearest point in the new scale proposed in the Ten-year Plan, which has already been approved for teachers in the same categories employed by Native Administrations.

- (b) Conversion of salaries of certificated teachers, who qualified from Training Colleges this year, from Mission rates to the proposed new scales. Estimated cost £1,830.

There are quite a number of certificated teachers who qualified this year, and it would be unjust to expect them to start on the old scale when the certificated teachers already employed by these educational bodies are converting to the new scales. This provision is proposed to allow these teachers who have just qualified to start at the initial point in the new scale.

- (c) Conversion of grants for non-African teachers and principals to proposed incremental graduate scale. Estimated cost £2,690.

This proposal is intended to implement the suggestions contained in the Ten-year Plan. In the past voluntary Educational Bodies approved for grants have been eligible for grants for non-African teachers and principals on certain conditions. These grants have been paid at the rate of £100 per annum for an approved teacher and £150 for a principal.

This provision is less generous than that offered in other countries. It was proposed by the Board of Education, and approved by Government for inclusion in the Ten-year Plan, that such grants should be paid

at the same incremental rates as those proposed for African graduates employed by these Educational Bodies.

Grants for non-African teachers would therefore be paid this year at £120 instead of £100, grants for principals would be £160 instead of £150. Increments in each case would in future be £10 per annum, with a maximum of £240 per annum.

I should point out that the number of these teachers and principals for whom provision is being made is limited to the number allowed for in the Block grant and any increase in the number of such non-African teachers and principals employed by these Societies will not affect these proposals.

(d) Grant for non-African teachers' passages at £50 per annum based on the number approved for the block grant. Estimated cost £8,200.

Some Honourable Members may say that this is a very big item for non-African teachers. I would like to point out that this money—a great proportion of it at any rate—will be used to relieve the Missions of the expenditure they now have to meet in sending their European missionaries to and from the United Kingdom, or wherever their homes are. At present the Missions have great difficulty in sending their European employees on leave, but if this sum is granted it will not only reduce this difficulty, but it will make available for general Mission purposes a considerable amount of money which now has to be allocated for the passages of the non-African teacher and principal.

(e) Grant for 1,500 special registered teachers at £9 each per annum to enable Educational Bodies to pay the minimum of the proposed scale. Estimated cost £13,500.

This proposal is intended to relieve the position of the uncertificated teacher who has been teaching under the management of approved educational bodies for some years. There are many teachers who although they do not hold any certificates or paper qualifications, have proved by long service and meritorious work that they deserve more recognition. The proposed scale starts at £18, with an increment of £3 a year, and it is proposed that Government shall pay a flat rate towards the £18 paid to each of these teachers who are approved for these special rates, the Mission will pay the balance in each case, *i.e.* £9. It is quite impossible for Government to ascertain in each case what the teacher is getting at present in order to pay the difference. To obtain such information would take many months, and by the time the figures were available they would probably be of little value. This proposal has been put forward by me to assist Mission authorities to ameliorate the conditions of service of the uncertificated teacher.

I would like to point out once more that these are merely interim proposals to meet the present situation, and that they will in no way commit the new Director or affect the basis on which grants-in-aid will eventually be paid.

Sir, I beg to move the resolution in my name.

The Hon. the Financial Secretary :

I beg to second.

The Member for the Ondo Division (The Rev. & Hon. Canon L. A. Lennon, M.B.E.) :

Sir, may I ask if this will have anything to do with the grant of 100 per cent of certificated teacher-salaries.

The Hon. the Acting Director of Education :

No, Sir, grants for salaries on the 100 per cent basis have not been accepted yet, and so the block grant system is still in force. This is merely an interim measure to give some relief until the basis on which grants will be paid in future has been decided.

Resolution adopted.

BILLS

(First Readings)

THE SUPREME COURT (AMENDMENT) ORDINANCE, 1943

The Hon. the Attorney-General :

Sir, I beg to move the first reading of a Bill entitled " An Ordinance to amend the Supreme Court Ordinance, 1943."

The time has arrived when we are endeavouring to put into active operation the two new Courts Ordinances which were passed this year, and in order to put them into operation certain steps have to be taken in advance. In doing so we have come across difficulties in respect of each Bill, and the first two Bills on the Order of the Day are to remove those difficulties.

The Supreme Court (Amendment) Ordinance is the first Bill, Sir. The existing Ordinance by sub-section (1) of section 8 provides that, where a Judge is absent, the Governor, at his discretion, may appoint a fit and proper person to act in place of such Judge. Well, Sir, this Council will remember that we have set out the qualifications which must be necessary before a man can be appointed a Judge of Nigeria, and it may be thought by some that the words " a fit and proper person " appearing in sub-section (1) mean that no acting appointment can be made unless the acting officer holds the full qualifications required for the substantive holder of the office. That is not intended, Sir, and therefore it is considered advisable to remove this possible misinterpretation by means of legislation, and to substitute instead the words " a suitable person whether or not qualified as provided in section 5 ". Similarly, Sir, there is provision in the Ordinance for the appointment of persons with the full powers of a Judge in those areas where a Judge is not available. That only in practice applies in the Provinces, and the very provision in question is a reproduction of that portion of the Protectorate Courts Ordinance, 1933, which applies to the Provinces and that contains provision for the appointment of an Administrative Officer to act in that capacity. Since the date when that Ordinance was passed—1933—we have got a very much vaster magisterial bench than then, and it may be possible, as it is at present, for a Magistrate to be available to act in the capacity of a Judge in such an area. But the law as it stands precludes such an appointment. It is therefore necessary, Sir, to make it possible for such an appointment to be made, and there seems no reason whatsoever why such an appointment should be

restricted either to Administrative Officers or to Magistrates ; therefore, Sir, it is proposed to delete the words " Administrative Officer " and substitute in their place the words " a suitable person ".

Sir, I beg to move.

The Hon. the Acting Director of Education :

I beg to second.

Bill read a first time.

THE MAGISTRATES' COURTS (AMENDMENT) ORDINANCE, 1943

The Hon. the Attorney-General :

Sir, I beg to move the first reading of a Bill entitled " An Ordinance to amend the Magistrates' Courts Ordinance, 1943."

The underlying principle behind the Magistrates' Courts Ordinance in connection with this particular matter was that the Chief Justice would fix the actual places where the Courts were going to sit, and I think it is perfectly obvious that it must be desirable that so far as is possible litigants should know that a Court in a particular area will be sitting on a particular date, so that where there are intervals between the dates they may go about their ordinary business and not feel they may be summoned to Court at any moment when they are busily engaged doing something else. I think everyone will agree that it is desirable, but it appears that in certain parts of Nigeria that ideal is at present unattainable. The amendments now proposed will remedy this and will enable those particular fixed dates to be made wherever it is found possible and in all other cases the Magistrate himself may adjourn cases and hold Courts in places to suit both the convenience of the Court and also the litigants. In other words, if this amendment goes through it will enable the ideal to be attained as and when it is found practicable in different parts of the country.

Sir, I beg to move.

The Hon. G. B. Williams, M.C., Commissioner of the Colony :

I beg to second.

Bill read a first time.

THE LAND REGISTRATION (AMENDMENT) ORDINANCE, 1943

The Hon. the Attorney-General :

Sir, I beg to move the first reading of a Bill entitled " An Ordinance to amend the Land Registration Ordinance, 1924 ".

Under the old Interpretation Ordinance, Chapter 2 of the 1923 Edition of the Laws of Nigeria, the term " Magistrate " included a Justice of the Peace. How, Sir, we were able to travel for so many years without getting into serious confusion on account of that definition I am not quite sure, but the fact remains that we did manage to avoid serious difficulty. But when the Interpretation Ordinance was being re-enacted in 1939 that definition was altered, and a Magistrate was not defined to include a Justice of the Peace, whether with magisterial duties or not. That alteration in the definition did have an unlooked for effect, however, in that, under the Land Registration Ordinance, 1924,

illiterates had to get their documents authenticated before Magistrates, and where that term, as it was then used, included Justices of the Peace, it was fairly easy for them to find a Justice of the Peace before whom they could get their signatures authenticated and the documents executed. But now that the term does not include a Justice of the Peace, it means that it is far more difficult to find properly qualified persons before whom to get the documents executed. This alteration was not appreciated by everyone, and in fact some persons who were Magistrates under the old definition, but who are not Magistrates under the present definition, have actually exercised those duties as if they were still Magistrates. It is therefore proposed to make it easier for illiterates to get their documents executed and further to ensure that where documents may have been wrongly executed in the manner I have described no harm will result thereby. We can achieve the second object by giving this amending Ordinance retrospective effect, as in clause 1, and we can achieve the other object by making a larger number of persons available by including in the section Justices of the Peace. In other words the section will read "... before a Magistrate or Justice of the Peace". At present we have Justices of the Peace appointed under the Protectorate Courts Ordinance, and under the new Magistrates Court Ordinance every Administrative Officer throughout Nigeria will be a Justice of the Peace. Therefore, Sir, if this amendment goes through, it should be easy for illiterates to find someone before whom they can get their documents properly executed.

Sir, I beg to move.

The Hon. G. B. Williams, M.C., Commissioner of the Colony :

I beg to second.

Bill read a first time.

PUBLIC OFFICERS' GUARANTEE FUND (REPEAL) ORDINANCE, 1943

The Hon. the Financial Secretary :

Sir, I beg to move the first reading of a Bill entitled "An Ordinance to repeal the Public Officers' Guarantee Fund Ordinance and to authorise refunds to certain contributors."

As Honourable Members probably know, certain classes of Government officers who have financial responsibilities are required to give security by making contributions to the Public Officers' Guarantee Fund, and from the Fund any losses of public money occasioned by the fraud or negligence of officers so secured are made good. The contributions are refundable to contributors when they leave the service, except in unusual circumstances, such as if an officer is dismissed; but so long as he remains in the service his contribution remains in the Fund. These funds are invested, and the interest from those investments forms the main part of the income of the Fund.

As it happens, Sir, for a large number of years the interest on the investments of the Fund has so far exceeded the amounts required to be paid out to meet losses of public money that the Fund has a large and increasing balance which will never be required. Even if all

contributions were refunded to contributors now, there would still be a balance of about £25,000 in the Fund, and the interest on that sum alone would be more than sufficient to meet all likely losses of public money, judging by the rate at which money has been lost in the past.

The Government therefore considers that all contributions should now be refunded to officers, on the ground that no further contributions to the Fund are necessary, and that no officers in future should be required to contribute. If that decision is taken, there are two alternative courses of action possible. One is to leave the Fund in existence, making use of its interest to meet further losses of public money ; in which case the Fund would continue to increase its unwanted balance indefinitely. The other alternative is to abolish the Fund, to transfer its investments to the Government account, and to meet losses of public money from the Government's own revenue in future. In exchange for an asset which will bring in about £800 a year in interest, Government will thus accept a liability which, judging by past performance, is not likely to be more than £250 to £300 a year. From all points of view I think the latter course would be best, and the object of this Bill is to put that alternative into effect.

Sir, I beg to move.

The Hon. the Director of Medical Services :

I beg to second.

Bill read a first time.

THE 1941-42 SUPPLEMENTARY APPROPRIATION ORDINANCE, 1943

The Hon. the Financial Secretary :

Sir, I beg to move the first reading of a Bill entitled " An Ordinance to make supplementary provision for the service of the Colony and Protectorate of Nigeria for the year ending the thirty-first of March, one thousand nine hundred and forty-two."

This, Sir, is the ordinary annual Supplementary Appropriation Bill, and it does not, or should not, require any explanation.

Sir, I beg to move.

The Hon. the Acting Comptroller of Customs and Excise :

I beg to second.

Bill read a first time.

THE LAGOS TOWNSHIP (AMENDMENT) ORDINANCE, 1943

The Hon. G. B. Williams, M.C., Commissioner of the Colony :

Sir, I beg to move the first reading of a Bill entitled " An Ordinance to amend the Lagos Township Ordinance, 1941."

This Bill, Sir, and the Bill which I shall move next, are both designed to carry into effect the recommendations of a committee appointed last year to consider the constitution and finances of the Lagos Town Council. The report of the committee was published in the Press and there is no need for me to refer to it in detail here.

The Committee recommend that there should be an increase in the membership of the Council and that certain safeguards should be provided. This Bill, by deleting the present limit of twelve members, allows for the additional membership. The second Bill, which I shall move next, provides the safeguards.

Sir, I beg to move.

The Hon. J. J. Emberton, M.C., Administrative Director of Minerals Production :

I beg to second.

Bill read a first time.

THE TOWNSHIPS (AMENDMENT) ORDINANCE, 1943

The Hon. G. B. Williams, M.C., Commissioner of the Colony :

Sir, I beg to move the first reading of a Bill entitled " An Ordinance to amend the Townships Ordinance "

and I shall ask the leave of the Council to insert an amendment in the committee stage, which is an addition to the Bill. It does not come within the scope of the Bill as published.

Honourable Members will notice that in clause 2 of the Bill to amend the Dogs Ordinance there is a clause reducing the quorum of the Town Council necessary for the making of Orders relating to the Dogs Ordinance. That amendment was drafted because it was found that the making of rules under the Dogs Ordinance, particularly in the case of an outbreak of Rabies, was a matter of great urgency. A serious delay occurred in calling together the Council on each occasion when it was necessary to make rules. However, after that amendment was drafted, further discussion showed it would not really save very much time, and it is therefore considered best to follow the course which is adopted in the United Kingdom and to allow the Council to appoint committees to deal with various matters. The Council has the power at the present time to appoint committees but it is unable to delegate to them any of its own powers ; the committees can merely make recommendations. The additions which it is proposed to make to the Bill are contained in the list of amendments which Honourable Members found on their tables this morning. Those are adopted almost entirely from the Local Government Act of the United Kingdom. If that clause is inserted in the Bill and passed, it will simplify in many ways the procedure of the Council in future. The existing clause 2, which will become clause 3 if the Council gives the permission for which I ask, contains the safeguards which were recommended by the committee, to which I have just referred.

It is obviously necessary that the Central Government should have some control over the subordinate governing bodies, and these sections will provide that control. Honourable Members will see that only if the Council is guilty of some grave dereliction of duty will the Governor be likely to interfere, and I do not think there is any unjustifiable restriction of their powers.

Sir, I beg to move.

The Hon. J. J. Emberton, M.C., Administrative Director of Minerals Production :

I beg to second.

Bill read a first time.

THE LABOUR (WAGE FIXING AND REGISTRATION) ORDINANCE, 1943
The Hon. E. A. Miller, Commissioner of Labour :

Sir, I beg to move the first reading of a Bill entitled " An Ordinance to create facilities for the fixing of minimum wages, the regulating of conditions of employment generally and the registration of industrial workers for the purposes of employment ".

Your Excellency, I regard this Bill as one of the most important landmarks in the industrial history of Nigeria, and at the commencement of these few remarks I wish to make I do not think I can do better than to refer to a speech recently made in the House of Commons by the Minister of Labour, in which Mr. Bevin spoke of the inalienable right of the worker to have his conditions of employment governed either by collective agreement or by state regulation. In this country, Sir, industry has not developed sufficiently far for collective agreement to become an efficient weapon in industrial self-government, and so we are obliged to fall back on state regulation, but state regulation assisted, in this case, by a Labour Advisory Board, in which the seeds of collective agreement are very widely sown.

Dealing with the Bill itself, Sir, Parts II and III provide for the appointment of Labour Advisory Boards, for the establishment of machinery to fix minimum wages, and for the power to control general conditions of employment.

The Labour Advisory Board will be a statutory body appointed by the Governor and will include representatives of employers and workpeople in equal numbers, and there will also be with them a small number of appointed members. Success in their deliberations will be dependent entirely on the goodwill of the opposite sides, and the employers and the workpeople will be able to place reliance in the presence of appointed members in order to assist in avoidance of deadlock. The fact that both the employers' side and the workpeople's side will in reality have to convince the jury of appointed members will make for careful statement and reasoned argument based on relevant facts of the matter at issue. Frequent meeting of both sides in this way should lead to greater mutual respect and understanding of the other side's point of view, and even when there is a marked difference of opinion, and even in the sharpest controversy, I hope that a common interest will be revealed and that their decisions will be reached, not by show of hands, but rather by general agreement. Complicated technical points which may arise when one or other occupation is under consideration can be overcome by the co-option of equal numbers of employers and workpeople from the occupation which is the subject of the Board's deliberations. The scope of the Board's enquiries will be considerable, and on its recommendations the Governor-in-Council has the power to make Orders in respect of the conditions of employment referred to in section 15, whether in fact minimum wages have been established for that occupation or no.

Before I turn to Part IV, I would like to inform Honourable Members of this Council that it was the first intention to make provision for these

Labour Advisory Boards by means of Defence Regulations, and in the original drafts of these Defence Regulations it was provided that the Orders-in-Council should not become effective until they had been laid before this Council. But, on further consideration, it was decided that the matter was of such importance, that a Bill should be prepared and laid before Legislative Council, and the Defence Regulations therefore were cancelled. Since, therefore, it was necessary for the Bill to be submitted and to receive the approval of Legislative Council, it was further decided that Orders-in-Council should be made effective without further reference. In this connection, Your Excellency, the fact of the extension of the membership of Your Excellency's Executive Council to include eminent African gentlemen will not have escaped the notice of Honourable Members.

One final word on this question of Labour Advisory Boards. I would like, with Your Excellency's permission, to refer to a recommendation which we have seen only in the last twenty-four hours, which shows that the provisions of this Bill are acceptable to the workers of this country. I have here a copy of the "Nigerian Worker", which is produced by the Federated Trades Union of Nigeria, and I will read just two sentences—

"The Board will soon be set up on the simple basis of employers and workers and under a wide term of reference including minimum wages, etc. This is a great step forward for which we can justly be proud, and one that is sure to bring security to a good number of workers in the country".

Now, Sir, Part IV of the Bill refers to industrial registration, and I would like to say straight away with regard to this that conversations have taken place between the Department of Labour, some of the employers of labour in Lagos, and the Trade Union representatives. At these conversations general agreement was expressed as to the provisions of this Bill. In Nigeria we have no information whatsoever of the numbers of adults employed or the number of unemployed, and it is quite time that Government and the country took stock of its industrial population in order to determine, at any rate to begin with, the extent of employment and unemployment in Lagos and, at a later date, other industrial areas in the country. The registration scheme will be conducted through a local office to be called an Employment Exchange, and it will not only be an employment exchange merely for registration, but it will be a place where employers may notify vacancies and the unemployed helped to obtain work. Both employed and unemployed will take their problems to this Exchange, and in this way a better understanding of labour problems will be reached.

One important feature is that no fee or commission of any kind, no "Cola," will be charged to any employer, to any employed man needing advice, or to any unemployed man who seeks and obtains work.

Industrial registration cards will be issued to all workers, and they will not only be identity cards, but will provide a record of each worker—the name of his employer, the date of his engagement, of termination of employment, capacity in which employed and his rate

of wages—and will ultimately become his passport to a job. It will establish his position as a worker, and his record. In order to avoid the possibility of theft or impersonation the card will provide the fullest particulars, including photograph and fingerprints, so as to establish without doubt the identity of the person qualified to hold that card.

Industrial registration is by no means a new thing. Employment Exchanges were started in the United Kingdom as far back as 1910 by the present Prime Minister. Since then many other countries, including Sierra Leone, have made similar provision, and this registration of workers and establishment of Employment Exchanges may be regarded I think as the first step in industrial organisation. They will take a large share in tackling the intricate problems arising out of the demobilisation and resettlement of our soldiers after this war, and later on they will become the starting point from which all industrial and welfare surveys throughout the country will be made. Sir, I beg to move.

The Hon. the Director of Medical Services :

I beg to second.

Bill read a first time.

THE CHILDREN AND YOUNG PERSONS ORDINANCE, 1943

The Hon. G. B. Williams, M.C., Commissioner of the Colony :

Sir, I beg to move the first reading of a Bill entitled "An Ordinance to make provision for the welfare of the young and the treatment of young offenders and for the establishment of juvenile courts."

Even before the appointment to Lagos of a Welfare Officer it had become increasingly obvious that the law regarding juvenile offenders and other matters affecting juveniles needed bringing up-to-date, and that is what this Bill sets out to do.

Part II of the Bill provides for Juvenile Courts, on the same lines as those which have been so successful in the United States of America for sixty years, in England for forty years, and in various parts of the Empire for shorter periods. In dealing with juvenile delinquents it is very important to know all about them—their home surroundings, their school life, and so on. All that a Court can at present do is to take evidence as to previous convictions. The Court cannot, strictly speaking, take evidence as to his home life, his home surroundings, his school record, and in fact is not able really to consult his parents. From time to time the Chief Justice gives advice to the Courts, and the Magistrates have been extremely good in stretching the law to its utmost limits to allow them to deal as lightly as possible with juveniles. But it is grossly unfair to them that they should have to look for loopholes in the law in order to do what in any other country they would be compelled by law to do. Part II of the Bill will deal with that.

In the committee stage I propose to move an amendment to clause 9, enabling the Chief Justice to make rules for regulating the procedure in juvenile courts, the fees to be charged and the forms to be used, and also applying to this Ordinance the written law relating to the practice and procedure in Magistrates Courts. There may be some points

which are not dealt with in the Bill, and the amendment will enable the Chief Justice to deal with them as they arise.

Clause 14 of the Bill states how a child may be dealt with. There are several ways laid down there which were not in our law, but all of them are allowed by the law of the United Kingdom. Clause 15 makes it possible to establish remand homes. We have opened a remand home in Lagos recently, but it is technically a prison, which is far from desirable.

Part III is particularly important. In the United Kingdom more than 50 per cent of all juvenile offenders are dealt with by putting them on probation; there is no provision in this country for doing that. It has two great advantages. In England you put a boy on probation and it costs the Government £3 a year. Send him to a school and it costs £166 a year. But to my mind its greatest advantage is that it gives him a chance of living and making good without having to separate him from his family.

Part IV is merely the procedure for committing a child to the care of a school, institute, or individual.

There is one important difference between this Ordinance and the law in England. In the United Kingdom the Magistrate decides to which approved school a boy or girl shall be sent. Under this Bill that decision will rest with the Chief Commissioner or the Commissioner of the Colony. The reason for that is that for some years Magistrates in England have complained that it is not a task which they ought to be asked to undertake. No Magistrate is able to have personal knowledge, or even a detailed knowledge on paper, of the particular points about any approved school, whereas some more central authority will know the type of each approved school and to which school it would be best to send any particular type of offender. I have no doubt that later on there will be a central advisory body which will decide where each offender will go, and probably a central collecting centre, where children will be examined before they are sent out to institutes. But that is a thing to be attained later on.

Part V, which provides for the removal to better surroundings of children in need of care and protection, differs very little from Nigerian law and the law in the United Kingdom.

Part VI is entirely new to Nigerian law. It is quite wrong that a parent might be responsible for a child becoming a criminal, and then when something is done to reform the child the parent, because of his own negligence, should be rewarded by being relieved of all expense of bringing up that child. That is what happens as the law stands. The taxpayer pays because the parent has misbehaved himself. Under Part VI, where a parent has been guilty of negligence and where he can afford to pay, the Court has the power to make him contribute towards the maintenance of the child. He must be asked to contribute only according to his means, that is, he need not necessarily pay the whole cost.

Part VIII again is entirely new. This was inserted in the Bill at the request of Mr Shute, late Chief Commissioner of the Eastern Provinces.

The intention of it is to make it possible to control the traffic in small children which goes on in certain parts of the country. It will in fact be extremely useful in Lagos. The problem of child prostitution has been increasing in Lagos to a very alarming and distressing extent. In many cases small girls are brought from other parts of the country under various pretences. Sometimes I am afraid the parents know what the children are going to, but in the majority of cases the parents are made to believe they are brought here to be trained, some in household duties, or to be married, and so on. That is all nonsense; none of them come for such purposes. Some are brought to be made into hawkers, but the great majority are brought here to be made into prostitutes. There are children now in Lagos ten to twelve years old who have been brought here under these pretences and are now prostitutes. And it is extremely difficult to deal with them. The Welfare Officer has repatriated numbers of them, but by the time he can get them and repatriate them their morals and health have been ruined. Under the provisions of this part of the Bill a large measure of control can be exercised and we will be able to do what we are not able to do now, and that is to prosecute and, I hope, get heavily punished the procuresses and the pimps who bring them here.

The remainder of the Bill merely contains the usual provisions allowing the Governor to make regulations and with regard to repeal.

The Children and Young Persons Act of 1933 has very frequently been referred to in books and by Judges as the Children's Charter, and I think that in years to come this Bill, with the additions which will be made to it, may well gain for itself the same name.

Sir, I beg to move.

The Hon. E. A. Miller, Commissioner of Labour :

I beg to second.

Bill read a first time.

THE DOGS (AMENDMENT) ORDINANCE, 1943.

The Hon. the Attorney-General :

Sir, I beg to move the first reading of a Bill entitled "An Ordinance to amend the Dogs Ordinance, 1942."

In the existing Ordinance it is provided that the fixing of licence fees by innumerable authorities throughout the country shall be published in the Gazette. This, Sir, is quite unnecessary, because large numbers of those Orders will have very limited application, and their details will be quite easily learnt in the vicinity where they are applicable, in the same way as other matters affecting local population are learnt. I might also mention, from the point of view of economy, that every time a little Order is published in the Gazette it occupies at least 1,400 sheets of paper. That is not the object of the amendment but that publication in the Gazette really appears to be unnecessary. That is the proposed amendment in clause 3, namely that the Order will be published in such a way as the approving authority—*i.e.* the Chief Commissioner of a particular area or the Commissioner of the Colony in respect of the Colony—may approve and he may, of course, in certain cases, consider

the matter is of sufficient importance to be published in the Gazette. In such a case it will only be necessary for a resume of the effect of the Order to be published, instead of having to occupy a tremendous amount of space and paper.

The second clause, Sir, in the Bill refers to the quorum of the Lagos Town Council in connection with the operation of this Ordinance, as the Lagos Town Council is the authority in respect of the township of Lagos. My honourable friend, the Commissioner of the Colony, has spoken so exhaustively on that particular clause when dealing with the Township (Amendment) Ordinance that I need say no more, but I mention this now so that if the amendment which the Commissioner of the Colony proposes to move to the Township Ordinance, and of which Honourable Members have copies, goes through, then I will in the committee stage ask the permission of the Council to withdraw clause 2 now before it. Retrospective effect is being given to this amending Bill by clause 1 to avoid the necessity of publishing in the Gazette all those various Orders.

Sir, I beg to move.

The Hon. the Senior Resident, Oyo Province :

I beg to second.

Bill read a first time.

THE INTERPRETATION (AMENDMENT) ORDINANCE, 1943

The Hon. the Attorney-General :

Sir, I beg to move the first reading of a Bill entitled "An Ordinance to amend the Interpretation Ordinance, 1939."

In connection with this Bill I commend the Objects and Reasons to all members. There they will find set out in detail, and I think with rather more clarity than I can express myself on my feet, the actual purport of the various amendments. But I would like to run through some of them briefly Sir.

Clause 2, Sir, applies our Interpretation Ordinance to all regulations and subsidiary legislation made under the Imperial Defence Acts. Honourable Members will no doubt appreciate—they must have seen it hundred of times—that when we, or rather Your Excellency, makes Defence Regulations under the Imperial Act, in order to give to the various words used therein, the meanings known and adopted in this country, we have to apply the provisions of the Interpretation Ordinance, 1939, to those regulations as if those regulations were an Ordinance. It is apparently complicated, but is really a simple method of doing it. But we have to do it literally hundreds of times. That is unnecessary labour, and also here again unnecessary waste of paper. This amendment, in clause 2 will apply the provisions of the Interpretation Ordinance, 1939, and the meaning of the words used in that Ordinance to regulations and other matters in Nigeria made by an authority under the provisions of an Imperial Act or Imperial Order in Council. This is not restricted only to Defence Regulations. I might mention, Sir, that the Air Navigation Colonies Protectorates and Mandated Territory Order-in-Council of 1923 applies throughout the

Empire and under that the Governor can give "directions" controlling aerial navigation. Well, under this amendment, we will know and appreciate what is meant by the use of certain terms used in the "directions" given under that authority.

The amendments proposed in clause 3, Sir, are amendments to and new definitions and the only one to which I think I should draw particular attention is the first where the word "Burma" is inserted after the word "India" occurring in the definition of the expression "British possession". That amendment became necessary, Sir, owing to the separation of Burma from India, and should have been made some years ago. I think it is a good thing for us to legislate now to the effect that Burma is still a part of His Majesty's possessions. The amendment in paragraph (c) by deleting the words "for life" and inserting other words is necessary in the definition of monogamous marriage. That definition of a monogamous marriage is the placing in the Interpretation Ordinance of the definition of a Christian marriage, which appear in the Criminal Code but using the word "monogamous" instead of "Christian." A Christian marriage is defined in the Criminal Code to mean the voluntary union of one man and one woman for life, to the exclusion of all others. I do not think that that definition applies to any actual form of marriage. It would, as far as it goes, embrace under the heading of a "Christian marriage" a Jewish marriage, and that was one reason why we broke away from the term "Christian marriage" and called it "monogamous." But a monogamous marriage means the voluntary union of one man and one woman during such time as the marriage is in existence. There may be changes due to divorce and so on and this amendment is made to bring the definition of monogamous marriage into what are the correct terms, namely the voluntary union of one man and woman to the exclusion of all others during the continuance of that marriage.

All these various definitions are included to make our work simpler. The new definition of "written law" is a term which will simplify matters. We will now be able to refer to a "written law" which term will include all legislation on a particular subject which has been reduced into some form of writing instead of our having to specify what they are. Also to extend and clarify our interpretation of Imperial legislation adapted to Nigeria are two amendments in clauses 4 and 5. In clause 6 there is also provided, that where there is in subsidiary legislation under an Ordinance, simply a reference to "the Ordinance", it means to "the Ordinance under which the regulations are made". Then, Sir, the amendments in clause 7 are rather lengthy. We have covered a lot of that already in respect of Native Authority matters in the Native Authority Ordinances, 1943, but there are other provisions in other Ordinances requiring similar provisions in this respect. Sometimes there is a change in the title of legislation in any particular area, *i.e.*, a municipality may be sub-divided and an area come under some local authority. He would make rules in respect of that area, whereas the Council previously made bye-laws in respect of the whole area.

This development of the Interpretation Ordinance will enable the authority then in force to exercise control over the previously existing legislation as if that legislation had in fact been made by the present authority.

We have also taken the opportunity, Sir, of providing in the Interpretation Ordinance that where both the Governor or Governor-in-Council and some subordinate body are given jurisdiction over the same matters, if the Governor or Governor-in-Council makes Orders or Rules, that legislation will override that of the subordinate authority. This is a useful provision because it will mean that the central government will be able to decentralise many matters, leaving the authorities on the spot to get on with the good work but at the same time keeping in the hands of the central authority the power to step in if necessary and remedy some difficulty which for some reason the local authority is unwilling or unable to do.

A useful provision to be found in clause 10 is that relating to the reprinting of legislation. Honourable Members will realise that time and time again we amend an Ordinance until it becomes so involved that without a consolidated Ordinance it is rather difficult to find one's way through it. With this provision in our Interpretation Ordinance the Government Printer will be able, with Your Excellency's authority, to reprint legislation which has been amended many times, so that the general public, in reading the latest edition of the pamphlet, will know exactly what the law is.

I do not think, Sir, I need elaborate any further on the details of this Bill, but one thing I would add. These amendments are not amendments just realised as being necessary and being brought forward at this stage, but are amendments which it has known to be necessary, but rather than bring forward piecemeal legislation we have waited until we had a sufficient number to justify a reasonably large amending Bill.

One other thing. The Interpretation Ordinance is a most important Ordinance in the legislation of any country; it is a matter which affects me personally very considerably, and I would mention that Nigeria has got far and away the most complete, up-to-date comprehensive Interpretation Ordinance of anywhere in the Empire, even including England.

Sir, I beg to move

The Hon. the Senior Resident, Oyo Province :

I beg to second.

Bill read a first time.

THE TRADE UNIONS (AMENDMENT NO. 2) ORDINANCE, 1943

The Hon. E. A. Miller, Commissioner of Labour :

Sir, I beg to move the first reading of a Bill entitled "An Ordinance to amend the Trade Unions Ordinance, 1938."

This Bill, Sir, was found to be necessary following a report recently received from the Registrar of Trade Unions. It showed that the Trade Union accounts which are required to be rendered under the terms of the main Ordinance were rendered in a manner which the Registrar could not accept, or, in a large number of cases, they were not

rendered at all. The position was entirely chaotic, and in order to save the good name of the Trade Unions, and also to safeguard the interests of the members of those Unions, it became necessary to take urgent steps to ensure a proper system of accounting and a proper disposition of the money accumulated by the individual Trade Unions. And so this Bill was prepared in rather a hurry during the month of July. I had intended to proceed with the matter, but on Saturday morning last, just after the office closed, a new development occurred. I was approached by the Executive Committee of the Federated Trade Unions of Nigeria, when they told me how distressed they were at the necessity for this Bill and how sorry they were that they had had no opportunity of getting together with the Department of Labour to see if they could not devise some scheme which would make for an efficient account system for each and every Trade Union. I must admit, Sir, I was so impressed with the sincerity of the members of this Executive Committee that I decided at once that I would, as soon as possible, hold conversations with them and see if we could not put this matter on a proper footing and secure for each Trade Union a system of accounting to satisfy the Registrar. And if Your Excellency approves, I wish to ask the permission of this House to withdraw this Bill and also the proposed amendment shown on the Schedule. It may be necessary to bring it forward at a later session of the Council, but I sincerely hope it will not.

Sir, I beg to move the withdrawal of this Bill.

Capt. The Hon. L. Nicholls, M.C., Acting Chief Conservator of Forests :

I beg to second.

Bill withdrawn.

THE RAILWAY SERVANTS' PROVIDENT FUND (BOARD—VALIDATING)
ORDINANCE, 1943

The Hon. the Financial Secretary :

Sir, I beg to move the first reading of a Bill entitled "An Ordinance relating to the Board of Management of the Railway Servants' Provident Fund".

This Ordinance, Sir, represents a solution of a legal conundrum, at any rate a legal difficulty; and I hope that the explanation given in the preamble to the Bill will be sufficient for Honourable Members, because I can give no other.

Sir, I beg to move.

The Hon. E. A. Miller, Commissioner of Labour :

I beg to second.

Bill read a first time.

THE PROVIDENT FUNDS ORDINANCE, 1943

The Hon. the Financial Secretary :

Sir, I beg to move the first reading of a Bill entitled "An Ordinance to provide for the establishment of Provident Funds".

This Bill, Sir, does not represent any major change of policy in regard to Provident Funds. It is a measure introduced for the sake of

convenience. At present we have three separate Ordinances governing three separate Provident Funds and, unless we alter our method of legislation, we shall soon have two more. Quite apart from this, the existing Ordinances are considered to contain a large number of provisions governing Provident Funds which would more properly be made by regulation. I think it is sufficiently obvious, Sir, how inconvenient it is to have a separate Ordinance for each separate Provident Fund, especially if we are going to have five in all before long. Every time Government wished to make any alteration in the provisions governing Provident Funds it might have to introduce one to five separate amending Ordinances.

It is proposed, therefore, that instead of one Ordinance for each Fund there should be one Ordinance for all Provident Funds, under which the Governor can establish Provident Funds for any appropriate authority, which he can regulate by regulations rather than by legislation. Certain provisions which are recognised as too important to go into regulations are included in the Ordinance, but apart from these the intention is that the Funds should be governed by regulations.

Sir, I beg to move.

The Hon. E. A. Miller, Commissioner of Labour :

I beg to second.

Bill read a first time.

THE REGISTRATION OF TITLES (AMENDMENT) ORDINANCE, 1943

The Hon. the Attorney-General :

Sir, I beg to move the first reading of a Bill entitled " An Ordinance to amend the Registration of Titles Ordinance, 1935 ".

I do not think there is any doubt that when the Registration of Titles Ordinance was enacted in 1935 it was intended that an appeal should lie to the Court of Appeal from a decision of a Judge on appeal from the Registrar. But the Court of Appeal on application for leave to lodge an appeal has held, quite correctly, that it has no power to grant leave to appeal to the Court of Appeal because it was not a matter in which an appeal did in fact lie to the Court of Appeal. This amendment then, Sir, is to remove that disability and make provision for any person, by leave of the Court being able to appeal to the West African Court of Appeal within such time and in such manner as may be provided by the rules of the Court. I might mention that this amendment is only possible in view of the recent amendment that we made to the West African Court of Appeal Ordinance, 1933.

Sir, I beg to move.

The Hon. the Senior Resident, Kano Province :

I beg to second.

Bill read a first time.

THE ROYAL WEST AFRICAN FRONTIER FORCE (NIGERIA
REGIMENT) (AMENDMENT) ORDINANCE, 1943

The Hon. the Attorney-General :

Sir, I beg to move the first reading of a Bill entitled " An Ordinance

to amend the Royal West African Frontier Force (Nigeria Regiment) Ordinance ”.

This Ordinance, Sir, as stated in the Objects and Reasons, is simply to include servants, mess waiters, cooks, grooms and canteen employees who follow or accompany the regiment, and make them amenable to military discipline and to say to what extent they are subject to that discipline.

I do not think there is anything controversial in this Bill and I need not elaborate any further.

Sir, I beg to move.

The Hon. the Senior Resident, Kano Province :

I beg to second.

Bill read a first time.

THE MILITARY UNITS (AMENDMENT) ORDINANCE, 1943

The Hon. the Attorney-General :

Sir, I beg to move the first reading of a Bill entitled “ An Ordinance to amend the Military Units Ordinance, 1941.”

The amendments proposed by this Bill, Sir, are solely to adopt the provisions of the Military Units Ordinance more conveniently to the formation and discipline of Air Force units, which are now being created. I should mention that these amendments are amendments which will be common in this legislation throughout West Africa.

Sir, I beg to move.

The Hon. the Director of Medical Services :

I beg to second.

Bill read a first time.

The Hon. the Attorney-General :

Sir, I beg to give notice that all the Bills this day read a first time will be read a second time and carried to completion at a subsequent meeting of this Council.

Council adjourned at 12.29 p.m.

Council resumed at 2.30 p.m.

MOTION

His Excellency the Officer Administering the Government :

As the mover of the motion has not arrived, perhaps Honourable Members would care to take a few second readings of non-controversial Bills, and possibly by then the Third Lagos Member will have come. Is that agreeable, gentlemen ?

The Member for the Ibo Division (The Hon. B. O.-E. Amobi) :

* Your Excellency, will you permit me to say a few words. This morning, just before we closed, a copy of your speech was distributed to members, and usually we have half a day off to study it and to reply to it effectively. If we are called upon now to take second readings of some of the Bills it means that by the time the motion is moved, seconded and debated upon there would be no time for us to be able to read your speeches and to be able to answer them effectively. I would suggest, Your Excellency, that we wait until the arrival of the mover of the

* Not revised by speaker.

motion, get the motion moved, debate on it, and close for the afternoon to allow us sufficient time to deal with your speech.

His Excellency the Officer Administering the Government :

Perhaps the Honourable Member does not quite understand what I suggested, but I see the Third Lagos Member now arriving, so the point does not arise.

The Third Lagos Member (The Hon. E. Ikoli) :

Your Excellency, I beg to move the following motion standing in my name—

“ Be it resolved :

- (1) That in the opinion of this House, the ban on the export of all types of locally woven cloth, conveyed in Notice No. 371 in *Nigeria Gazette* of April 8, 1943, is inconsistent with the declared policy of Government to encourage and foster the development of local industries and that therefore the restriction shall be removed forthwith.
- (2) That in view of the signs of healthy growth shown by the locally woven cloth industry in recent years, that this House urges on Government the vital necessity of maintaining existing markets for the products of this industry as well as investigating the possibilities of new markets and exercising every effort in the promotion of its interests generally.”

The Gazette Notice I refer to was published in the *Nigeria Gazette* on April 8th this year, and it says—

“ It is notified for general information that it has become necessary to prohibit the export from Nigeria of all types of locally woven cloth ; the need for this prohibition is regretted but it is essential for the following reasons arising from war conditions :—

- (a) All raw cotton must be conserved for the Ministry of Supply in the United Kingdom where it is urgently needed for war purposes.
- (b) The man power at present used in weaving cloth for export is required for more essential purposes such as groundnut, palm kernel and palm oil production.
- (c) Shipping space, particularly in coasting vessels, is not available.
- (d) The postal services in Nigeria are at present fully occupied and are unable to handle a large volume of parcels containing locally woven cloth.”

Sir, I do not think it is necessary for me to argue those points extensively, because I think it is a matter on which both Government and the unofficial sides agree, and that is that we should develop local industries. It has been the declared policy of Government this year, last year, and even as far back as 1933, that every effort must be made to develop local industries. So that in this respect there is no difference of opinion between official and unofficial sides of this House. It is just possible, in these days when I think both officials and unofficials are rather overworked, that things do happen for which we cannot give any real explanation, otherwise I cannot see the necessity for this Notice at all.

When this Notice appeared in the *Gazette* it caused a great deal of stir among the people who are engaged in the weaving industry, as well as those who are engaged in the export of native cloth to the Gold Coast, Sierra Leone and the Gambia. I think Your Excellency will remember that shortly after the publication of this Notice I had the honour of leading a deputation to the Chief Secretary in order to place before Government the fears of those who are engaged in the industry. I pointed out at the time of this deputation, Your Excellency, that the reasons given in (a) (b) and (d) were not in the least convincing. I pointed out that the only reason given which could be convincing to the local public was that with regard to shipping. We quite appreciate, Sir, that in these days the war has arrived at perhaps the most difficult stage, that all the shipping we can get together is required for war purposes, and both the Members of the deputation whom I took to the Chief Secretary and myself felt that this at least was some argument on the part of the Government which certainly must receive consideration. But we did not think for a moment that any of the other reasons given could be considered to be in any way justifiable. For instance, we are told that all raw cotton must be conserved for the Ministry of Supply in the United Kingdom where it is urgently needed for war purposes. I have not had time to go through Your Excellency's speech of this morning very carefully, but I think Your Excellency mentioned something in that speech about the import of textiles to this country in order to provide something on which surplus money could be spent by the people who are today better off owing to the large sums of money in circulation in the country as a result of the presence here of troops and as a result of the demand which exists at the present moment for our produce outside Nigeria. If that is so, I do not see that Government can put forward any very strong argument against the use of the small proportion of cotton which enter into local weaving in the sense that it was in any way interfering with the war effort. As a matter of fact, I would like to point out, Sir, that in the weaving of the type of cloth which is affected by this Act, only 20 per cent of local cotton enters into the process; 80 per cent of it is yarn imported from Great Britain, so that you have only one-fifth of the cotton that goes into the process of weaving of the cloth produced here. The remaining portion is from yarn imported from Great Britain.

The next point, Your Excellency, is with regard to the question of manpower. I do not like to believe, Sir, that manpower in this country has at this time become a real problem. I feel that when it comes to manpower we have quite a lot of it still not utilised as it should be, and to say that for reasons of manpower we are prohibiting the export of locally woven cloth, does not seem to us to be a strong reason on the part of Government.

There is also this other point, Sir. Where does the locally woven cloth come from; where are the industries situated? Are they in the palm oil belt or the groundnut belt? I am sure Your Excellency is fully aware that the manufacture of locally woven cloth is in a belt which is neither in the groundnut or palm kernel producing areas, so that even

if you stop this industry there is no guarantee that you would be able to turn over those so released from the industry to the production of groundnuts or palm kernels. For that reason I think this argument is entirely untenable.

About the shipping position I have already spoken.

Now we come to the Post Office services in Nigeria. I appreciate, Sir, that there is and has been a tremendous amount of pressure on the Post Office in Lagos, and I think other parts of the country. But after all said and done, the Post Office, and all Government departments for that matter, are established for the purpose of serving the interests of the public, and if the Post Office feels there is greater amount of pressure on it on account of locally woven cloth parcels handled there, I think there is a simple solution. The Postmaster-General can come before the House to say he needs more money to expand postal facilities—more buildings, more clerks, to deal with the situation, because the volume of work has increased. I am sure if the Postmaster-General were to make representation before this House to say he wanted more money for increased postal facilities owing to wartime pressure on the work of the Post Office, Your Excellency would consider it.

That is not all, Sir. I might say that there has been a considerable amount of correspondence between my office and the Supply Department, and my last letter to that department was to call their attention to the fact that I had taken the trouble to make a close investigation with people who have been engaged in the export of this type of cloth to the Gambia, to Sierra Leone and the Gold Coast, and I happened to discover that some of those who are engaged in the export of the type of cloth on which there is a ban were also engaged in the export of "Adire" cloth. I would like to explain to Honourable Members who are not familiar with this name that it is cloth dyed locally. It is cloth imported from Manchester—I think it is called shirting—and dyed locally. Local dyers buy this material, dye it, and then sell the cloth for re-export to neighbouring colonies in West Africa—to the Gold Coast, Sierra Leone and the Gambia. And I made this important discovery, Your Excellency, that while a ban has been imposed on locally woven cloth, no such ban has been imposed on "Adire" cloth. Now, in the light of that discovery, Sir, there is only one deduction to make, and that is that Government is deliberately discriminating against locally woven cloth, cloth of all-African make. We ask ourselves why it is that Manchester cloth which was imported into this country, dyed in this country, was allowed to be re-exported to neighbouring colonies, and yet the cloth we made ourselves here was not allowed to be exported. You will excuse us, Sir, if we jump immediately to the conclusion that because the big European trading firms in this country are interested in the "Adire" cloth trade, and able to bring a certain amount of pressure to bear on the Government, while the smaller people are unable to do so, preference is given to Manchester goods.

I was hoping, Sir, that it would not be necessary for me to speak long on this matter in order to convince Government that this measure is altogether unnecessary, but I happened to be reading a few days ago a

very brilliant speech made in this Council by the Banking Member at the time, Mr. Herapath, who was then Manager of the Colonial Bank here. I must say, Sir, that not only in my opinion but in the opinion of quite a number of people in this country, no man has more ably represented the unofficial side in this House than Mr. Herapath during his time and no man was more outspoken. He was speaking at the time when the local government imposed quota on Japanese goods. I am reluctant to make reference to that matter now, because we are at war with Japan, but he did say something of interest at that time, and that is that he deplored the fact that the greater part of the wealth produced in this country never stayed in the country but went out, and that as long as that remained the case, it would be impossible to raise the standard of living of the people of this country, and that Government would always have difficulty about collecting enough revenue to run the country. I do not know whether any change has taken place since the days of Mr. Herapath; I think even to-day the position still remains the same, in spite of what Your Excellency told us this morning about the large amount of money at present in circulation in the country. Our trouble still is that not enough of the money made in Nigeria ever stays in the country, and the only way we can ensure that a certain amount of the money which we work for in this country stays in the country is to see that our local industries are developed. On that point, as I say, both Government and unofficials are agreed. What I would like to impress on Your Excellency and this House however is this, that the people of Nigeria to-day are watching very very closely and intelligently everything that happens in other parts of the world. We have got our radio and our newspapers, and it would be wrong for officials to think that the illiterate section of this country are not following events all over the world. You will remember, Sir, the troubles in Jamaica some years and it seems extraordinary that where disturbances have occurred Government is driven to act immediately, and to see that something was done to remove the causes of the people's grievances. We heard the other day of a large sum of money—over a million pounds—being devoted to improvements in the West Indies; establishing local industries, going into land settlement, and that sort of thing, and we ask ourselves—and this is the sort of thing that is talked about at the street corners—they do these things for the people in the West Indies because there has been a riot there. Here no-one makes trouble and Government does anything they like. That is what is said, and I would like Your Excellency and officers to remove that impression. We do not like to come here and cause trouble; we come here to ask Government to get things done which our people feel should be done in their interest, and there is a certain amount of uneasiness in the community that we elected members of this House are not doing our utmost to impress on Government to attend with greater promptness to their needs and remove their difficulties. And, much as we hate to go to extremes, you can be sure, Sir, that if things go on at this rate, that schemes are crushed by Government without reasonable explanation being given, it would not be surprising if tomorrow a clean sweep were

made of those of us here to-day and people put in our place those who would carry out the wishes of the people. They will want men who will employ violence if necessary for it is the usual saying that was the only kind of language Government understand. I am particularly glad to find this morning that one or two things have happened which have allayed my fears that Government will not act unless violent measures are taken.

I do not think I need add much more, Sir, to what I have said, but I would like to state, Your Excellency, that the trade in native cloth has grown remarkably in recent years. When the deputation came before the Chief Secretary we explained that even at that time the value of the stock held by traders in this country of native cloth waiting to be exported to other colonies was over £23,000. Now £23,000 with the big trading European houses may be nothing, but it means a tremendous lot of money to the African traders. And when that money is tied up, through the action of a Government, which we call our own Government, and should have done everything in their power to see that we get that money back into this country, you can imagine, Sir, the sort of feeling that is created among the people. Just before the meeting of this Council, Sir, I was ill in bed and was rather out of touch with things that were happening. But a day or two ago I received a note from a trader that parcels which had been refused before were now being accepted by the Post Office. I was glad to hear that. Unfortunately my resolution had already been sent to the Clerk of Legislative Council before this report came to me. Perhaps if that report had come to me before my resolution had come here I might not have sent it. I might have continued corresponding with the Supply Department, but as I said I was ill in bed and out of touch with what was happening until the last minute. I feel that by that action Government have been convinced that their position was untenable they have therefore to relax the ban and to allow parcels of this locally woven cloth to be accepted by the Post Office for export. I think that makes it unnecessary for me to go further into this matter because if concession has been made in one or two cases I have no doubt that Government will later extend the concession.

But there is one thing I must say, Sir, and that is we regard this Government as our own. It is our Government, and I think the Colonial Office has made statements time and again that where the interests of the native people clash with those of other bodies, the interests of the native people should prevail. In this particular case I have quoted I am sure that, where the interests of the people of this country clash with the interests of Manchester weavers or the big European trading interests, preference should be given to us, and I am very happy indeed, if the report I received was true, that Government has already relaxed the ban which was placed on the export of this type of cloth and that a certain number of parcels have been released to go through. We ask, Sir, that not only the stock in hand now should be allowed to be exported, but that Government should remove the ban completely, and should do its best to see that this trade is developed, not only with

regard to the markets we have now, but to look for new markets for us where the produce and industries of this country could be exported. When the Marketing Office was being established we were told that one of the functions of the Department would be to develop local industries and find markets for them. We are paying money for the Marketing Department and we expect that Department not only to consider the question of local and internal trade but to do its best to see that markets outside are looked for as markets for the products of our own manufacture. As I have said, we look on this Government as our own. It is not like in the old days, when the average man in this country looked on the Government as some foreign machinery which had been imposed on us from above and whose job was merely to screw taxes out of us. We look on the Government now as our own, and I hope Your Excellency will do your best, with your officers, to convince us that this is our Government and that where our interests are concerned preference will be given to us rather than to anyone outside the country.

The First Lagos Member (The Hon. H. S. A. Thomas) :

I rise to second the motion as moved by the Honourable the Third Lagos Member. The mover has practically covered all the ground, and all the observation I wish to make is this, that all other countries similarly situated as Nigeria is have seen fit to leave some part of their raw cotton for the export trade, and I do not see why our Government should not do the same.

The Second Lagos Member (The Hon. Jibril Martin) :

Your Excellency, before I say anything to this motion, Sir, I wish Your Excellency to assure the House that what the Honourable the Third Lagos Member says, that the ban has been lifted, is true, and there may be perhaps no need to press this motion any further.

His Excellency the Officer Administering the Government :

Perhaps the Financial Secretary would enlighten us as to whether the ban has been lifted.

The Hon. the Financial Secretary :

No, Sir, the ban has not been lifted. I think the Honourable Member must be thinking of those parcels already handed in at the time the ban was imposed. They were allowed to go, but the ban has not been lifted.

The Second Lagos Member (The Hon. Jibril Martin) :

Your Excellency, I rise to support the motion of the Honourable the Third Lagos Member, and I beg to associate myself with the remarks he made in support of that motion. Your Excellency will no doubt remember that during the last Budget Session I raised the question here and told the House that, quite contrary to our expectations, all those local dealers who have been exporting these locally woven cloths had been precluded from sending them through the post, due to the pressure on the postal services. I believe the Government promised then to investigate the matter and to make all necessary adjustments.

Your Excellency, it is a great surprise that this question was raised in March last, and instead of the Government making enquiries and removing the ban on the export of locally woven cloths placed by postal services, a Government Notice was published in April prohibiting the export. That shows at once that the Government action is not a deliberate one, it is simply to support what the postal authorities have put before the Government. So, it is little wonder that the reasons put forward in support of the Notice were not accepted, because at the time it was reported to the House that a ban was placed by the postal authorities on the export of this locally woven cloth Government seemed to know nothing about it until an enquiry was made, and the next thing the Notice was published. So I submit, Sir, that not only the cloth in the hands of the dealers should be allowed to be exported, but the ban should be removed entirely. Your Excellency may not be aware that the African dealers who are interested or who are involved in this trade number over a hundred, and, as the Honourable the Third Lagos Member pointed out, only 20 per cent of the local cotton is used in cloth of this kind, the other 80 per cent comes from Great Britain. I know that if the House understands that these people are not engaged in any other trade or occupation and that they are entirely dependent for a living on trading with the neighbouring colonies, and have been so engaged for upwards of forty years, Your Excellency will no doubt realise the hardship which will be placed on these people who have no other means of livelihood but this inter-colonial trade. I therefore appeal to the sympathy of the House and Your Excellency on behalf of the African dealers concerned.

As far as I am aware, there is no shortage of yarn in this country to the extent that a ban should be operative, so I think Your Excellency, after considering the whole matter, will feel disposed to allow the ban to be removed. There appears to be no justification for this prohibition when dealers in similar goods, i.e. Adire cloths, are permitted to ship Adire cloths to the sister colonies without any restrictions.

Your Excellency, I do not want to go into the arguments which were advanced or the reasons given at the deputation which Your Excellency, as Chief Secretary, granted us sometime in May. Those arguments I think have been met by the Honourable the Third Lagos Member, and we still think that in the interests of the Africans who are engaged in this kind of trade and also in the best interests of the country as a whole that the ban should be removed.

The Member for the Rivers Division (The Hon. S. B. Rhodes, C.B.E.) :

Your Excellency, in rising to support this motion I do not wish to associate myself with a remark made by the Honourable Mover, in that if we who constitute the unofficial members of this House were not able to point out what is required by the community of Nigeria there would be a wholesale sweep, and men would be brought here who would perhaps come with their revolvers or daggers and say that if a certain thing is not done they will shoot. I do not think that is his intention or the intention of the confederates either.

However, there is a point which I was expecting him to stress further, because, in my opinion, he made a very good case and a forceful argument; when he said that he had investigated the matter and discovered that only 20 per cent of local cotton is used for weaving cloth here and that 80 per cent is imported yarn, I was expecting him to go further and say that England does not grow cotton, and that if 80 per cent yarn is imported into this country it must have been made from cotton which we sent to England, converted there into yarn, and sent back here to be sold. If we take the argument that no cotton is grown in England, if we accept the argument that cottons are exported to England from the colonies, and if we further accept the argument that 80 per cent of the cloths woven here are woven from yarns imported from England, then the deduction is that it is the cotton that we shipped to England that is converted to yarns and sent back to us. Now, if that is so, why should not we be allowed to use our cotton ourselves? It is quite true a certain quantity of cotton is required for war purposes. If that percentage is taken off—and we have quite a number of petty traders in this country who depend entirely on the weaving and exporting of locally woven cloths to neighbouring colonies—I fail to see why, as the Honourable Mover has said, Government should restrict such exportation. The only reason given is shipping space. If that is the real reason then I cannot press it any further, but if that is not the sole reason, if the other reason is that manpower is required for other war efforts, then, Sir, I say it falls short, because travelling through the country as I do there are many idlers to be seen every day. Look at what happens if you go to a place like Port Harcourt. At the Railway Station you see numbers of people rush to carry your loads for 1d or 2d, all idlers more or less. So the manpower in this country, as the Honourable Mover has said, is not developed to such a stage that every man in the country is required to do some work for the war effort.

I am supporting this resolution, Sir, and I am asking Government to consider the position of these men who have all their lives been exporting, and who depend on it entirely; it is their only main industry. And Government should also consider that not long ago a certain Indian firm or Indian firms in this country who were not importing certain commodities before the war asked for a quota to import and were told that as they were not importing before the war they could not import now, but would only be allowed to import what they were importing before the war. If that argument holds good, and I am of the opinion that it does, then the argument should also apply to those who have been exporting native cloth, that inasmuch as they were exporting it before the war they should be granted a certain quota so that they could still export.

After all, we do see people going to Sierra Leone and carrying case upon case of chairs and tables and other things—people retiring from this country and returning home. They carry their goods with them. If that is allowed why cannot these exporters be allowed certain shipping facilities to export what, in my opinion, is the only method of

earning a decent livelihood in the country. For these reasons I support the resolution.

The Member for the Ibo Division (The Hon. B. O.-E. Amobi) :

* Your Excellency, I wish first of all to let the House know that weaving is not done by men, but by women, and for that reason the question of shortage of manpower does not therefore arise.

Your Excellency, some months ago, at the beginning of the war, we were told by His Excellency Sir Bernard Bourdillon, that when he visited the Belgian Congo he saw the production of khaki and white drill made by the people themselves, and I believe that khaki and white drill were sent here and we bought them. We have been preaching and encouraging native industry and we want to see that industry encouraged as much as possible. •

As regards manpower, from the little we have seen, we have noticed our boys in the Army going overseas, some to the Gold Coast, some to Sierra Leone, some to the Gambia, but I have been watching to see men from these colonies coming to this place, but it appears we have sufficient men to spare. And so it is, Your Excellency, that inasmuch as we have sufficient cotton and sufficient ships to send cotton to England, and what we ship to England is converted into yarn and shipped back, so I think we can afford to send a few pieces of locally woven cloth to the Gold Coast, Sierra Leone and the Gambia. There should be no distinction, Your Excellency, in fact I feel that the Government should encourage such contact with other colonies, to investigate what they do. There is Accra cloth, a very expensive cloth, costing up to as much as £7 10s a piece. We in Nigeria have not been taught to weave cloths of that kind, which is a pity, and I think we should be in contact with the Gold Coast and Sierra Leone so that we may learn the method of their weaving and other trades and so encourage native industry.

Well, Your Excellency, if the shipping of our native cloth to our people in other colonies is opposed we feel perhaps that Government is utterly supporting the merchants who sell their gabardine and other cloths at 8s a yard—I bought a few yards the other day at that price. There is no necessity for me to buy that when I know I can get cloth from my own people at a cheaper rate. But we are not against imported goods from Europe ; we want them to support us and so we support them.

And we ask this question, Your Excellency, whether after the war Government would be ready to support the local industries going on at the moment such as butter, cheese and so on. Well, we are afraid that if a ban is placed on those after the war, their manufacture will be stopped. It means that those engaged on that manufacture will be out of a job.

* Not revised by speaker.

Your Excellency, I am supporting the motion because I feel that it is the duty of the Government to encourage every native industry and also to encourage contact with the other colonies. A few years ago we had Club beer, the Gold Coast supplied us with Club beer. Later on we had Congo beer, but to-day Lagos has not a single bottle of beer to drink. But if we were able to manufacture our own beer there would be no necessity for us to wait until we got a supply from the Congo.

Well, Your Excellency, I give my support whole-heartedly to the motion so ably moved by the Honourable the Third Lagos Member, but I agree with what the Honourable Member for the Rivers Division said. I am not in favour of people coming here with daggers, people coming in a hostile manner, but I am in favour of people coming here and laying their case before Government, and I am sure Government will consider it and grant our request.

The Commercial Member for Lagos (The Hon. J. F. Winter) :

Your Excellency, it was my original intention to oppose this resolution, but I have heard my colleagues' arguments, and there are two arguments in particular that rather raise a doubt in my mind. The first argument is that these weavers have for years earned their living by exportation of locally made products, quite a large number of them, therefore one must assume that Government allowed the importation of yarn from abroad for the maintenance of the Nigerian weaving industry, because it serves no other purpose. If the Nigerian weaving industry has in the majority been maintained on its export trade, then I am inclined to think export trade should be allowed to continue, provided shipping facilities are available. And I say that because I know personally only too often no shipping is available when produce has to leave the country.

The second point made—and I am not sure whether it is correct or not, I should like an assurance from Government—is that Adire cloth is a permitted export. This statement was made by my colleague in front of me, and if it is correct, that imported shirting dyed in the country is again allowed to be re-exported, then I see no reason why British yarn, woven in the country, should not also be allowed to be exported. The Adire cloth benefits the Abeokuta Province in the main ; the home of dyeing is there. But the weaving industry not only affects one Province, it affects the North and the Oyo Province, and these people are also entitled to benefit.

But one thing that puzzles me, Your Excellency, is this. There is no glut of textiles in this country. We all know we live from hand to mouth—we have a large shipment and then a shortage, and then we hope and pray something will come along. Sometimes it does, sometimes it doesn't. But with twenty million people in the country

I should have thought that the output of the Nigerian weaving industry could be easily consumed at home, and if it is not consumed at home there must be something wrong. It may be one of the faults lies in the distribution, in which case the remedy seems to be with the Marketing Officer. Maybe the prices are too high for Nigerians and neighbouring colonies can afford to pay higher prices for Nigerian products. I must admit that I had intended to oppose the resolution, but I am rather puzzled with the aspect as to why this small weaving industry cannot find a market in its own country, with a population of twenty million, and no glut of textiles. But in view of the two points put forward in connection with the weaving industry, and the fact that I must assume yarn is imported to allow these weavers to carry on, I support the resolution.

The Member for the Oyo Division (The Hon. A. Obisesan) :

* Your Excellency, as a new member of this Council I had not intended to say anything except to rise to thank Your Excellency and members of the Government for giving me an opportunity to serve the interests of the people in my province. Well, what I find is that the motion moved by the Honourable the Third Lagos Member is of such interest that I feel I would be doing myself an injustice if I said nothing about it. Local weaving of cloth in Nigeria has been going on for a number of years, and as far as I know the people of the Gold Coast have been taking Nigerian cloth for at least fifty years, if not more.

Now, Sir, I am going to use the argument that if the Government found it necessary to impose a ban while the war was being fought here in Africa, now that the war is no more in Africa I think the Government should be graciously pleased to see that the ban is removed.

The Member for Shipping (The Hon. R. P. H. Davies) :

Sir, a great deal has been said about shipping space in connection with this motion. Obviously I cannot say very much, for security reasons, about the shipping position, but this I can say, that there are hundreds of tons, even thousands of tons, in the port of Lagos awaiting conveyance. As far as the Gold Coast is concerned we can, at irregular intervals, provide space; for Sierra Leone and the Gambia it is practically impossible at the present time. Nobody has yet said what quantity of cargo is to be moved. I have heard 23,000 lb mentioned, which is about ten tons. We can move ten tons to the Gold Coast.

The Member for the Ibibio Division (The Hon. N. Essien) :

* I rise to give my support to the motion before the House. I am submitting, Sir, that we are now fighting for freedom, with all that it implies, therefore freedom of trade is included. If we legislate, Sir, that the products of the industries of this country are not to go out of this country, we, as an Administration, have rendered this country stagnant as a body of water without an outlet. Therefore, Sir, I submit that it is an obligation on us to encourage not only the industry of

* Not revised by speaker.

this country but the freedom of marketing the products. If we fail to do that, Sir, we are creating an inconsistency when, on the one hand, we call for support of war efforts and, on the other hand, legislate to close all avenues through which money could pass into the country for support of that effort. Therefore, Sir, as an Administration we need to go forward, and forward we must go. We must correct our past mistakes, encourage the industry of the country, and grant all freedom possible to the universal marketing of the products thereof.

With these few remarks I support the motion.

The Member for the Ondo Division (The Rev. and Hon. Canon L. A. Lennon, M.B.E.) :

* Your Excellency, I wish to say at the outset that I support the motion. Much has been said about it, and I do not mean to go over those grounds, but I would like to add, Sir, that in addition to this ban being removed we are asking that other industries be brought to the fore, that they be encouraged, so that when the war is over we shall be found doing something. I attended an Exhibition at the Grammar School the other evening, and saw there that we have in this country wonderful things, great things, that the world needs, and I think there is a great prospect for these things to be developed. If these things are to be developed, Sir, I think that they should be done not only on a small scale, but that our sons should be encouraged to go abroad to be trained, so that they can come back and carry out these industries properly. We talk about the war; there will be a great war after this war, and that will be the war of making peace, and we want to encourage these industries that they be not stagnant or in any way be repressed or discouraged, and I feel, Sir, that we have a lot in this country.

Much has been said about those people who work on these cloths, not only the men, but a number of women. I know in parts of the country where I am it is an industry of the women more than the men, and I am asking to associate myself with all that has been said, and that not only weaving, but other industries that are now coming to the fore, should be encouraged.

The Mining Member (Lt.-Colonel the Hon. H. H. W. Boyes, M.C.)

* Your Excellency, it appears to me that the Honourable Mover of the motion has a good case, but one point might be made clearer. If this material contains 80 per cent of material exported from the United Kingdom to this country, would that not come in as one of the items on which we wish the people to spend money? If so, therefore, that would be good in this case.

Another point is whether the Government still considers those points that were enumerated in Gazette Notice No. 371 still stand good or not. Unless they stand absolutely good, in the view of the Government, it surely appears that this ban might be removed.

• Not revised by speaker.

The Hon. the Financial Secretary :

It is always unpleasant, Sir, to have to call on people to make sacrifices even when they are sacrifices to a common war effort, but it is frequently necessary ; and that is what the Government has been compelled to do in this matter of the export of locally woven cloths. There is much in what the Honourable Mover said with which the Government agrees : it is the Government's policy, as far as is possible, and as far as wartime conditions permit, to encourage local industry. The Government realises as well as any unofficial member that this trade is capable of becoming highly beneficial to a certain section of the African community, and if this were peace-time it would be very glad indeed to see the trade grow and expand.

But, beneficial as it undoubtedly is in many ways, there is one fact about this trade at present which admits of no doubt—it is of no value to the war effort. More than that, in certain respects, it has been established that it is actually harmful to the war effort, although I know some Honourable Members will not admit that. What brought this matter to a head was a report from the Post Office that this export trade through the parcel post had risen to twelve times its pre-war dimensions ; and they complained that they could not handle it. They complained that in one month no fewer than 4,455 parcels had been handed over for export to Sierra Leone, the country to which the bulk of the trade goes, and they said they simply could not handle this traffic without interfering very seriously with more essential services. The Honourable Mover of the motion has suggested as a remedy that we should increase the Post Office staff and acquire new buildings. Well, Sir, I wonder how the Imperial Government would react if it were suggested that the General Post Office in England should increase its staff and acquire new buildings in order to export from England goods not essential to the war effort. I think their reactions would be most unfavourable, and my reaction to the Honourable Member's suggestion is also unfavourable.

As I said, this report from the Post Office brought this matter to a head, but even before that the Supply Board had been enquiring into this trade and its remarkable development, and had been considering its value or harm to the war effort ; and the outcome was the order made by the Governor that the trade must be banned ; not merely because the Post Office could not handle it, though that alone would have been a fairly good reason, but because it was actually interfering with the war effort. For example, there is the question of shipping space ; it was taking up coastal shipping space, and the Honourable Mover agrees that that is a serious objection. Now, the Honourable Shipping Member has told us he could ship ten tons only to the Gold Coast ; but it is to Sierra Leone that the bulk of this trade goes, and I understand from the Honourable Member that he could ship nothing to Sierra Leone. And if this ban is removed I doubt whether it would be ten tons—I know of nothing to prevent it multiplying over and over again.

Secondly, as to the interference with palm kernels production. The Government was advised, by those in a very good position to know, that this trade was actually interfering with palm kernels. I know that this is strenuously denied, not only by the interested parties, but also by those who support them; but the evidence before Government, that that interference was actually taking place, was given by people who were completely and beautifully disinterested, who would not have been concerned in the least whether this trade increased or decreased but for the fact that they found it was definitely interfering with palm kernels production in certain areas, and they had been specially appointed to encourage palm kernels production. They would not have been interested in the least in the cotton trade but for the fact of this interference.

Then, Sir, quite apart from that, whether in palm kernel areas or other areas, it is a fact that the Ministry of Supply wants very urgently whatever cotton we can give. It has told us so repeatedly. The Honourable Mover suggested that because the amount of cotton involved was so small it could not be of value to the war effort. Now that is a dangerous line of argument; it would be an equally good reason for us to stop shipping rubber. Our output of rubber is tiny compared with the world output, and yet the Imperial Government is continually impressing on us the vital need for every pound we can give. The argument that an amount is small is no argument that it is not necessary to the war effort.

Well, Sir, those were the reasons for which the Government imposed this ban. We have been asked whether they still hold good. They do, Sir; all the reasons hold good. I know they have all been disputed, and I have made notes on what some Honourable Members have said. There is the question of 'Adire' cloth, for example. The Supply Board has not yet touched this export trade, because it is so small that it hasn't bothered the Post Office or anyone else; but that is not to say we are not going to look into the matter of this discrimination between 'Adire' cloth and locally woven cloth.

Then the Honourable Member for the Rivers Division suggested that because importers were only allowed to import goods if they had imported them before the war, exporters must be allowed to export as before the war. Well there, Sir, I detect a small flaw in the Honourable Member's logic. If an importer is not allowed to import goods unless he has imported them before, it does not necessarily follow that he *must* be allowed to import them because he imported them before. The same must apply in wartime to exports.

I am not going to go into the question of whether men or women indulge in the cotton trade, chiefly because I know nothing about it, but also because we have been advised by those who do that in fact this trade was interfering with palm kernels.

The Commercial Member for Lagos made the constructive suggestion that we should look very carefully into the question whether the whole of this local cotton trade could not be consumed locally. I will return to that.

Finally, I must mention the suggestion made in the Press recently, and which was at least hinted at during this debate; that is, the suggestion that the Government is deliberately using the machinery of the Supply Board to damage African trade interests and to assist European firms. Sir, I repudiate that suggestion. It is a fantastic suggestion. I can see no reason in the world why this Government should wish to damage African trade interests. The fact, Sir, the root of the trouble, and the reason for all these criticisms, is this, and I think the African members will agree with me: the cause of all the trouble is that Africans do not know what is going on in the Supply Board. They do not know why the Supply Board decides to do this or refuses to do that; and the reason why they do not know is that there is no African delegate to the Supply Board. But the reason why there is none is that the African interests concerned seem to be having some little difficulty in co-operating to nominate a delegate.

The point I would like to drive home is that the Government applies wartime restrictions for one reason only—they are essential to a maximum war effort. It is, of course, perfectly obvious that all wartime restrictions are capable of causing hardship, but the African exporters of locally woven cloth are not the only persons who have to make sacrifices. I wonder how many hundreds of thousands of small traders and small manufacturers in the United Kingdom have been thrown out of business altogether, because what they made or what they sold was not considered essential to the war effort; and I wonder how many hundreds of thousands have had to find entirely new means of livelihood. They don't complain, Sir, the war is too real in the United Kingdom for that. It is hard for the Government to take measures of this kind, and Government sympathises with the hardship caused; but, as I have said, the need for a maximum war effort is, and must be, paramount.

From what I have said, Sir, I think it will be clear that the Government cannot accept the first of the Honourable Member's resolutions: that would commit it to immediately re-opening the trade, without knowing how far it is likely to expand, whether shipping space is available, or whether it would continue to interfere with palm kernels production. As to the second part of the motion, in which the Honourable Member says that Council "urges on Government the vital necessity of maintaining existing markets for the products of this industry as well as investigating the possibilities of new markets and exercising every effort in the promotion of its interests generally", that is all very right and proper, provided it is remembered that what is possible in peacetime is not necessarily possible in wartime. I think I understand Your Excellency might be prepared to accept that second

Resolution if something were added to show that the Council, in urging the Government to take these steps, did realise the handicap that war conditions imposed on it. I understand that if some such words as these were added, the motion might be acceptable—"so far as is possible under conditions imposed by the war". Now, acceptance of that motion as amended would show that the Government does sympathise with the hardships caused, and that it does intend to do its best, subject only to the fact that what is possible in peacetime may not be possible in wartime. And one thing Government will investigate is the Commercial Member's constructive suggestion that we should look into the question of why all the output of locally woven cloth should not be consumed by a population of twenty million people.

Possibly if the second Resolution is accepted with that amendment, the Honourable Mover might see his way to withdraw the first, which in any case the Government regrets it cannot possibly accept.

The Third Lagos Member (The Hon. E. Ikoli) :

I do not like, Sir, that either Your Excellency or your advisers and officers should think for a moment that we do not appreciate sufficiently the difficulties which have been caused by the war or that we are trying to press upon Government to do anything that is likely in any way to interfere with the war effort of the people of this country. We are very pleased, Sir, listening to your speech this morning, to know how every part of the country is toiling to give of its best to the war effort.

I might say straight away, referring to the remarks of the Honourable the Financial Secretary about conditions in England, how small traders in England have lost everything and have had to turn their attention to other means of livelihood, that we appreciate that fully. But what we do say is this, that until we are satisfied that, unless certain industries are closed down or stopped, they were likely to interfere with the war effort, I do not think that argument is likely to convince us very much. If, for instance, facts could have been brought before us to say that the weaving industry in this country was definitely hindering the war effort, I think most of us would say, if that were so, then the only thing for Government to do would be to discourage it. But after listening very carefully to the Financial Secretary I do not think anything has been put before this Council to show that in fact the weaving industry was in any way interfering with the war effort. I took the trouble to point out, when moving this resolution, that the people actually engaged in the weaving industry are people who are more or less outside the palm belt, and I do not know whether much rubber is grown in that area, and that being so, it seems strange that Government should pick on it to support their case. I do not think the places where the weaving industry is located are such as will in any way interfere with the work of production of either palm kernels or rubber. Of course it might be said, what about the

question of transport; isn't it going to interfere with the war effort if certain transport which is necessary for the carrying of rubber was used to carry native cloth? Or, as was also explained, there is the question of shipping. Now, what we do say is this, that Government has not given sufficient time, in our opinion, to investigate all these things and to see exactly in what way this industry has interfered—whether by means of transport or with production. What we agree on is the question of shipping, but we do not say that if there is no shipping you must provide ships. But what happened in the past was that even where the airways were prepared to carry this class of goods the Customs authorities had refused to issue a licence, so that we begin to think all manner of things. The Financial Secretary repudiates the suggestion that the Government was doing anything to discriminate against native produced cloth as against Lancashire products, but people draw their own conclusions, and it is impossible for everyone to come to Government for explanation. Things happen and people draw their own conclusions from them.

As far as "Adire" cloth is concerned, it is a matter of surprise to us that Government had not taken the trouble to find out how much trade was going on in this cloth. In a letter I sent to the Supply Board I pointed out that between the time that this ban was introduced and a month after, over 4,000 at least, nearly 5,000 parcels of "Adire" cloth had been accepted by the Post Office in Lagos for export, while a ban was imposed on native woven cloth. Now if the Supply Board pleads ignorance of the fact that well over 4,000 parcels of "Adire" cloth were posted in Lagos Post Office between the date of the publication of the Gazette Notice and the end of April, well all I can say is the Supply Board is perhaps like everyone else these days, rather overworked and unable to pay attention to everything.

But, while we appreciate the difficulties of Government, I am not sure, Sir, that I accept what the Honourable the Financial Secretary has suggested about withdrawing this motion. I would prefer, Sir, that the motion should be pushed on to a division. I know an official majority is there to defeat it, but I still want to press to a division because I would like to impress on this House that it is a matter on which the African community feels very strongly, and that being so I do not think we shall be satisfied with anything but pressing to a division. I would have preferred if Government had said "We appreciate your arguments as regards (1) (2) and (4) but not as regards (3) and for that reason we shall look into the matter, and as often as there is shipping space available we do not mind granting such facilities for exports of this cloth to be made". But for Government to say point blank that it has decided, because it was going to interfere with the war effort, that this ban should continue, is a thing it will be difficult to convince us about.

I would like to reiterate again, Sir, that we will do everything we possibly can towards the war effort, and we are not unmindful of the

sacrifices made by the people of England. We appreciate that, as I have pointed out to this House. But at the same time I pointed out that the Government of Britain was doing everything it possibly could to see that the small man was kept in business wherever possible. If that cannot be done here well that is the end of it, but if there is anything we can do to keep the small man in his business by all means let us do so. If it is not really possible, if it is interfering with the war effort, let us do away with it as in England; but it is no good quoting something that happens in England and not quoting it in full. I would like to stress this, Sir, so that Government should take notice, that wherever it is possible we should keep the small man in business. If of course we cannot, then we cannot and he has no right to complain, but where we can help let us do so.

I am pressing, Sir, not only that this motion should proceed to a division, but I am appealing to Your Excellency that this matter should be given very careful consideration by Your Excellency and advisers.

His Excellency the Officer Administering the Government :

We will take a division on the whole resolution as it stands, because the Financial Secretary merely made a suggestion, he did not move an amendment formally.

The Commercial Member for Lagos (The Hon. J. F. Winter)

Am I in order, Sir, in submitting an amendment. It occurs to me that I personally am not entirely satisfied in my own mind that this industry really interferes with the war effort so far as produce is concerned, because of the location of the industry. Under the circumstances, sooner than quarrel about the thing or have a division, I would like to suggest that Government set up a small committee to investigate this matter, obtain evidence from parties really interested, and then re-consider it. If Government's decision is still the same after having heard all the evidence, then no harm has been done. Alternatively, Government may be prepared, after hearing first-hand evidence, to change its views somewhat. I suggest as an amendment that a small committee be set up, to investigate whether or not there is any justification for the maintenance of the ban on the export of this cloth, and that evidence be taken from all parties really interested.

The Member for the Cameroons (The Hon. J. Manga Williams) :

I beg to second.

His Excellency the Officer Administering the Government :

Regarding that, I would like to say that I discussed the matter with the substantive Member for Shipping, and he was definitely of opinion that from the shipping point of view this trade was harmful to the war effort. As the Financial Secretary has pointed out, most of it goes to Sierra Leone and very little of it to the Gold Coast. The Shipping Member was very definitely of the opinion that it was harmful to the war effort, therefore for a committee to be set up to take evidence as to

whether or not it competes with palm kernels production would not, in my opinion, advance the argument one iota; it would merely take up time of officials and unofficials who are very busy. I am therefore not prepared to accept that amendment. The House will divide.

Motion rejected by 27 votes to 13.

Honourable Members voted as follows :—

FOR—13

The Hon. the Member for the Oyo Division.
 The Hon. the Member for the Ondo Division.
 The Hon. the Member for the Cameroons Division.
 The Hon. the Member for the Egba Division.
 The Hon. the Member for the Colony Division.
 The Hon. the Third Lagos Member.
 The Hon. the Commercial Member for Lagos.
 The Hon. the Second Lagos Member.
 The Hon. the First Lagos Member.
 The Hon. the Member for the Ijebu Division.
 The Hon. the Member for the Ibibio Division.
 The Hon. the Member for the Rivers Division.
 The Hon. the Member for the Ibo Division.

AGAINST — 27,

The Hon. the Member for Shipping (Provisional).
 The Hon. the Commercial Member for Calabar (Provisional).
 The Hon. the Banking Member (Provisional).
 The Hon. the Commercial Member for Port Harcourt.
 The Hon. the Commercial Member for Kano.
 The Hon. the Mining Member.
 Capt. the Hon. W. W. Henderson, Director of Veterinary Services (Extraordinary Member).
 The Hon. G. B. Williams, M.C., Commissioner of the Colony (Extraordinary Member).
 The Hon. E. A. Miller, Commissioner of Labour (Extraordinary Member).
 The Hon. J. J. Emberton, M.C., Administrative Director of Minerals Production (Extraordinary Member).
 Capt. the Hon. L. Nicholls, Acting Chief Conservator of Forests (Extraordinary Member).
 The Hon. the Acting Director of Agriculture.
 The Hon. the Director of Public Works
 The Hon. the Acting General Manager of the Railway.
 The Hon. the Resident, Warri Province.
 The Hon. the Senior Resident, Kano Province.
 The Hon. the Senior Resident, Oyo Province.
 The Hon. the Acting Comptroller of Customs and Excise.
 The Hon. the Acting Director of Marine.
 The Hon. the Acting Director of Education.
 The Hon. the Director of Medical Services.
 The Hon. the Financial Secretary.
 The Hon. the Attorney-General.
 His Honour the Acting Chief Commissioner, Eastern Provinces.
 His Honour the Chief Commissioner, Northern Provinces.
 His Honour the Chief Commissioner, Western Provinces.
 The Hon. the Acting Chief Secretary to the Government.

Council adjourned at 4.2 p.m.

Debates in the Legislative Council of Nigeria

Tuesday, 3rd August, 1943

Pursuant to notice the Honourable the Members of the
Legislative Council met in the Council Chamber, Lagos,
at 10 a.m. on Tuesday, the 3rd of August, 1943.

PRESENT

OFFICIALS

- The Officer Administering the Government;
His Excellency A. W. G. H. Grantham, C.M.G.
- The Acting Chief Secretary to the Government,
The Honourable T. Hoskyns-Abrahall, C.M.G.
- The Chief Commissioner, Western Provinces,
His Honour G. C. Whiteley, C.M.G.
- The Chief Commissioner, Northern Provinces,
His Honour J. R. Patterson, C.M.G.
- The Acting Chief Commissioner, Eastern Provinces,
His Honour F. B. Carr.
- The Attorney-General,
The Honourable H. C. F. Cox, K.C.
- The Financial Secretary,
The Honourable G. N. Farquhar, C.M.G., M.C.
- The Director of Medical Services,
Dr the Honourable J. W. P. Harkness, C.M.G., O.B.E.
- The Acting Director of Education,
The Honourable C. B. Butler, C.B.E.
- The Acting Director of Marine,
Commander the Honourable G. W. Trinick, R.D., R.N.R.
- The Acting Comptroller of Customs and Excise,
The Honourable J. McLagan, O.B.E.
- The Senior Resident, Oyo Province,
The Honourable H. F. M. White, C.M.G.
- The Senior Resident, Kano Province,
Commander the Honourable J. H. Carrow, C.M.G.,
D.S.C., R.N. (Rtd.).
- The Resident, Warri Province,
Major the Honourable R. L. Bowen, M.C.
- The Acting General Manager of the Railway,
The Honourable A. J. F. Bunning.
- The Director of Public Works,
The Honourable S. J. W. Gooch.
- The Acting Director of Agriculture,
The Honourable A. G. Beattie.

Captain the Honourable L. Nicholls, M.C.,
Acting Chief Conservator of Forests (Extraordinary Member).

The Honourable J. J. Emberton, M.C.
Administrative Director of Minerals Production (Extraordinary Member).

The Honourable E. A. Miller,
Commissioner of Labour (Extraordinary Member).

The Honourable G. B. Williams, M.C.,
Commissioner of the Colony (Extraordinary Member).

Captain the Honourable W. W. Henderson, C.B.E.,
Director of Veterinary Service (Extraordinary Member).

UNOFFICIAL MEMBERS

The Member for the Ibo Division,
The Honourable B. O.-E. Amobi.

The Member for the Rivers Division,
The Honourable S. B. Rhodes, C.B.E.

The Member for the Ibibio Division,
The Honourable N. Essien.

The Member for the Ijebu Division,
Dr the Honourable N. T. Olusoga.

The First Lagos Member,
The Honourable H. S. A. Thomas.

The Mining Member,
Lt.-Col. the Honourable H. H. W. Boyes, M.C.

The Commercial Member for Kanó,
The Honourable W. T. G. Gates.

The Second Lagos Member,
The Honourable Jibril Martin.

The Commercial Member for Lagos,
The Honourable J. F. Winter.

The Third Lagos Member,
The Honourable Ernest Ikoli.

The Member for the Colony Division,
The Rev. and Honourable T. A. J. Ogunbiyi.

The Member for the Egba Division,
The Honourable Olaseni Moore.

The Member for the Cameroons Division,
The Honourable J. Manga Williams.

The Commercial Member for Port Harcourt,
The Honourable Fred Edmondson.

The Member for the Ondo Division,
The Rev. and Honourable Cannon L. A. Lennon, M.B.E.

The Member for the Oyo Division,
The Honourable Akinpelu Obisesan.

The Banking Member (Provisional),
The Honourable K. M. Oliver, M.C.

The Commercial Member for Calabar (Provisional),
The Honourable D. M. Calder.

ABSENT

OFFICIAL MEMBERS

The Senior Resident, Plateau Province,
The Honourable E. S. Pembleton, C.M.G.

The Senior Resident, Bornu Province,
 Captain the Honourable E. W. Thompstone, M.C.
 The Resident, Benue Province,
 The Honourable D. M. H. Beck, M.C.
 The Resident, Onitsha Province,
 The Honourable D. P. J. O'Connor, M.C.
 The Resident, Calabar Province,
 Major the Honourable H. P. James.
 The Resident, Ilorin Province,
 Captain the Honourable J. P. Smith.
 The Resident, Bauchi Province,
 Captain the Honourable H. H. Wilkinson

UNOFFICIAL MEMBERS

The Member for Shipping (Provisional),
 The Honourable R. P. H. Davies.
 The Member for Calabar—(Vacant).
 The Member for the Warri Division—(Vacant).

PRAYERS

His Excellency the Governor opened the proceedings of the Council with prayers.

CONFIRMATION OF MINUTES

The Minutes of the meeting held on the 2nd August, 1943, having been printed and circulated to the Honourable Members were taken as read and confirmed.

QUESTIONS

NOTE.—Replies to Questions No. 1 by the Honourable Member for the Ijebu Division, No. 3 by the Honourable the Third Lagos Member, No. 15 by the Honourable the First Lagos Member, No. 26 by the Honourable the First Lagos Member, No. 28 by the Honourable Member for the Colony Division, Nos. 33 and 37, by the Honourable Member for the Egba Division, Nos. 44 and 45 by the Honourable the Third Lagos Member, are not yet ready.

The First Lagos Member (The Hon. H. S. A. Thomas):

12. To ask the Honourable the Director of Marine:—

(i) Whether the students of the Marine School at Apapa for the teaching of Mechanical Engineering had made any representations regarding (a) the insufficiency of the time allowed per week (*i.e.* 1½ hours) for lectures on each of the five subjects on the School's syllabus; (b) the non-providing, for their use, of an up-to-date library of Engineering journals; and (c) the unsatisfactory treatment to which ex-apprentices were subject when posted on Marine ships?

(ii) What steps, if any, had been taken to investigate and redress these complaints or grievances?

(iii) Is the school recognised by the Ministry of War Transport (formerly Board of Trade) as an institution suitable for the training of Board Engineers?

If so, why was it not shown as such in Appendix E of "The Regulations relating to Examination of Engineers in the Mercantile

The Member for the Colony Division (The Rev. & Hon. T. A. J. Ogunbiyi):

22. To ask the Honourable the Chief Secretary to the Government:—

(a) To table the amount of market fees derived from each market in the Colony Division?

(b) To state in each case how the fees are expended?

(c) Whether there is any objection to a literate Chief being employed as a Market Master with at least an assistant clerk under him?

Answer—

The Hon. the Acting Chief Secretary to the Government:

(a) The figures for 1942-43 were:—

			£	s	d
Agege Market	...	...	376	13	0
Ayobo	„	...	36	0	11
Oshodi	„	...	16	10	3
Mushin	„	...	167	7	2
Ipaja	„	...	6	10	9
Ikorodu	„	...	129	0	0
Epe	„	...	42	5	4
Eredo	„	...	16	18	0
Lekki	„	...	6	10	3
Ejinrin	„	...	278	14	0
Ikosi	„	...	44	3	6

(b) Revenue derived from Market Fees is expended on labour to keep the markets clean, on the salary of a market master where the size and importance of a particular market warrants such an appointment and on improvements to the markets. Any balance is spent on such objects as the Native Authority may decide.

(c) There would be no objection in principle to a literate Chief being employed as a Market Master provided that

(1) he was not a member of the Native Authority,

(2) he was the most suitable candidate for the appointment when a vacancy arose and

(3) the fact of his being a Chief would in no way interfere with his performance of his duties as Market Master.

In none of the markets in the Colony has it been found necessary for the Market Master to have clerical assistance.

The Member for the Egba Division (The Hon. Olaseni Moore):

40. To ask His Honour the Chief Commissioner, Western Provinces:—

(a) How many tons of stones were being railed from the Aro Quarry, Abeokuta to Lagos by the Government annually?

(b) Whether the Government pay any sum or sums of money to the Egba Administration for these stones?

(c) If not, why not?

Answer—

His Honour the Chief Commissioner, Western Provinces:

(a) The following figures show railings of stones from the Aro Quarry to the Lagos area, including Ikeja, during the past five financial years:—

1938-39	...	...	...	5,212 tons
1939-40	...	...	...	7,938 „
1940-41	...	...	...	10,528 „
1941-42	...	...	...	19,185 „
1942-43	...	...	...	47,147 „

(b) No, Sir.

(c) The land was first leased for quarrying purposes to Government in 1907 for twelve years at £40 *per annum*. On the 11th May, 1915, this lease was incorporated in a deed under which all rights leased to Government by the Alake of Abeokuta and the Egba Authorities were confirmed for 999 years and a Government loan of £12,000 was wiped out in exchange for the concession.

The Member for the Egba Division (The Hon. Olaseni Moore):

41. (a) Has the attention of the Chief Commissioner been called to the urgent necessity of erecting a new Afin (Oba's house) for the Alake of Abeokuta in view of the fact that the existing buildings have deteriorated and have subjected the occupant to great inconvenience especially during the rains?

(b) If so, how soon will the erection of a new house be sanctioned especially as the local Financial Advisory Board has recommended it since 1939?

Answer—

His Honour the Chief Commissioner, Western Provinces:

(a) Attention has been drawn to the need for repairs to the Afin, and in 1941 funds were provided for the purpose.

(b) The building of a new Afin is a project which, as the Alake himself agrees, must await consideration until after the war.

The Third Lagos Member (The Hon. Ernest Ikoli):

46. To ask His Honour the Chief Commissioner, Northern Provinces:—

(a) Whether Government is aware that since his installation in 1933, the Oba Lawani of Ajashe Igbomina has never received a penny in the way of stipend although his predecessor in office received a salary of £300 a year?

(b) Whether the present Oba performs duties similar to that performed by his predecessor?

(c) Whether his conduct has been satisfactory?

(d) If so, why the stipend has been withdrawn in his case?

Answer—

His Honour the Chief Commissioner, Northern Provinces:

(a) Lawani, the Village Head of Ajashe Town, succeeded Olupo Abdul Kadiri in this office in 1936. His salary is now at the rate of £54 *per annum*.

(b) No, Sir. The Ajashe District was abolished in 1933 and the titular District Headman, Olupo Abdul Kadiri, became Village

Head of Ajasse Town; his salary was at this time reduced to £36 *per annum*.

(c) No reports indicating that the Village Headman's conduct is not satisfactory have come to the notice of Government.

(d) The reply to sub-paragraph (b) of the question will show that the stipend has not been withdrawn but that the post of Headman of Ajasse District has been abolished.

The Third Lagos Member (The Hon. Ernest Ikoli):

47. To ask the Honourable the Chief Secretary to the Government:—

(a) Whether in view of the fact that there is a large public demand in Jos for the installation of telephones and in view of the fact also that so many telephones are installed in the residences of officials in Jos similar facilities could be extended to private individuals?

(b) Whether Government will favourably consider the desirability of increasing or enlarging the telephone trunk from fifty to 100 at Bukuru in order to facilitate communication—Bukuru area being the centre of the mining organisation in the Plateau Province?

(c) Whether in order to facilitate communication between Plateau and other parts of Nigeria owing to the present mineral development Government will consider immediate measures for linking up Jos and Bukuru with the existing telephone trunk between Lagos and Kano considering the important part mineral production plays in the war effort?

Answer—

The Hon. the Acting Chief Secretary to the Government:

(a) It is the policy of Government to meet all telephone requirements at the earliest possible opportunity and the requirements of private individuals at Jos will, in accordance with this policy, be met as and when the necessary equipment becomes available.

(b) Yes, Sir, in accordance with the policy defined in (a):

(c) Yes, Sir. This work is already in hand.

The Third Lagos Member (The Hon. Ernest Ikoli):

48. To ask the Honourable the Director of Medical Services:—

(a) Whether it is a fact that the leper population in Nigeria is as much as 500,000 as recently stated in a B.B.C. Broadcast?

(b) If so, to ask what steps are being taken by Government to check the spread or growth of such a dangerous disease or to prevent the spread of it among the general population of the country?

(c) If the answer is in the negative, to ask what is the total leper population in Nigeria?

Answer—

The Hon. the Director of Medical Services:

(a) and (c) There are no definite figures available but the disease is widespread in certain areas and there are probably between 100,000 and 200,000.

(b) Settlements are established in the principal foci of the disease under medical supervision. Clan settlements and clinics are run in conjunction with these mother settlements. These serve as bases

for anti-leprosy propaganda. It is not thought that compulsory segregation of lepers would be either feasible or efficacious so the propaganda endeavours to spread the idea of voluntary segregation.

Leprosy is a disease prevalent in unsanitary conditions and the Health Department is striving to improve the general housing of the country.

The First Lagos Member (The Hon. H. S. A. Thomas) :

Sir, I seek permission, before proceeding with the Order of the Day, to make a few remarks on Your Excellency's Address to the House yesterday.

His Excellency the Officer Administering the Government :

I am afraid the Honourable Member is out of order, unless it is a matter of urgent public importance.

BILLS

(Second and Third Readings)

THE SUPREME COURT (AMENDMENT) ORDINANCE, 1943

The Hon. the Attorney-General :

Sir, I beg to move the second reading of a Bill entitled "An Ordinance to amend the Supreme Court Ordinance, 1943."

The Hon. G. B. Williams, M.C., Commissioner of the Colony :

I beg to second.

The First Lagos Member (The Hon. H. S. A. Thomas) :

Your Excellency, the amendment before the House renders it possible for an unqualified person to be appointed as acting Judge, but the consequential amendment would be, if I understand it correctly, that in the event of the absence of the Chief Justice an unqualified person may be appointed to act as Chief Justice. I feel, Sir, this is opening the door too wide, and I think some further amendment should be made to prevent its being possible, in the event of the Senior Puisne Judge or Chief Justice being absent, for a person not qualified to be appointed.

The Hon. the Attorney-General :

I think the safeguard there, Sir, is Your Excellency's sense of responsibility. I think the suggestion that the Honourable Member has made is really going rather beyond a normal possibility. It is, of course, conceivable though almost impossible for the Governor of this country to be so extremely indiscreet or foolish as to appoint an inexperienced person as Chief Justice when he has thirteen Judges to choose from. Our Supreme Courts will consist of the Chief Justice, Senior Puisne Judge, two specific appointments of second and third Puisne Judges and ten other Judges; and the Honourable Member is suggesting that, in the absence of the Chief Justice and Senior Puisne Judge, the Governor is going to appoint not one of these but an inexperienced someone else!

I think, Sir, that the Honourable Member has misunderstood the purpose of this particular amendment. The law provides that when the Chief Justice is away the senior Puisne Judge automatically acts as

Chief Justice, and there is no question of having to appoint one unless the Chief Justice is away on leave or has left the country otherwise than on duty. This provision, Sir, is to enable you to appoint somebody at the very bottom of the Judges scale. Naturally you would appoint one of the existing Judges to act in the higher posts, and so we go right down the scale. This is to enable an appointment to be made where there is no particular Judge available to perform the duties of a Judge in a particular area.

Bill read a second time.

In committee.

Enactment.

Clauses 1 and 2.

Title.

Council resumed.

The Hon. the Attorney-General :

Sir, I beg to report the Bill from committee without amendment. I beg to move that the Bill be now read a third time and passed.

The Hon. G. B. Williams, M.C., Commissioner of the Colony :

I beg to second.

Bill read a third time and passed.

THE MAGISTRATES' COURTS (AMENDMENT) ORDINANCE, 1943

The Hon. the Attorney-General :

Sir, I beg to move the second reading a Bill entitled "An Ordinance to amend the Magistrates' Court Ordinance, 1943."

The Hon. G. B. Williams, M.C., Commissioner of the Colony :

I beg to second.

Bill read a second time.

In committee.

Enactment.

Clauses 1 to 3.

Title.

Council resumed.

The Hon. the Attorney-General :

Sir, I beg to report the Bill from committee without amendment. I beg to move that the Bill be now read a third time and passed.

The Hon. G. B. Williams, M.C., Commissioner of the Colony :

I beg to second.

Bill read a third time and passed.

THE LAND REGISTRATION (AMENDMENT) ORDINANCE, 1943

The Hon. the Attorney-General :

Sir, I beg to move the second reading of a Bill entitled "An Ordinance to amend the Land Registration Ordinance, 1924."

The Hon. G. B. Williams, M.C., Commissioner of the Colony :

I beg to second.

Bill read a second time.

In committee.

Enactment.

Clauses 1 and 2.

Title.

Council resumed.

The Hon. the Attorney-General :

Sir, I beg to report the Bill from committee without amendment. I beg to move that the Bill be now read a third time and passed.

The Hon. G. B. Williams, M.C., Commissioner of the Colony :

I beg to second.

Bill read a third time and passed.

PUBLIC OFFICERS' GUARANTEE FUND (REPEAL) ORDINANCE, 1943

The Hon. the Financial Secretary :

Sir, I beg to move the second reading of a Bill entitled "An Ordinance to repeal the Public Officers' Guarantee Fund Ordinance and to authorise refunds to certain contributors."

The Hon. the Director of Medical Services :

I beg to second.

The Member for the Rivers Division (The Hon. S. B. Rhodes, C.B.E.) :

I quite appreciate this Bill, Sir, but to me it creates an aspect as though a company is refunding capital in lack of dividend, because, from what was explained yesterday by the Financial Secretary, all monies contributed are going to be refunded, but it would appear that the interest which has accrued therefrom will be kept by Government. If the capital is going to be refunded then the dividend should be refunded *pro rata*, otherwise it would appear as though capital were given back and interest kept.

The Hon. the Financial Secretary :

Well, Sir, it is rather a startling suggestion that £25,000 should now be distributed among public officers. I do not think it can be said that Government has no right to this money. The Government in future is going to bear all losses from its own revenue without calling on officers to contribute to any fund, and in order to do that it is taking into its own account the investment which used to belong to the Provident Fund. I think it is fair. At any rate I could not recommend to the Government that £25,000 should now be distributed.

Bill read a second time.

In committee.

Enactment.

Clauses 1 to 7.

Title.

Council resumed.

The Hon. the Financial Secretary :

Sir, I beg to report the Bill from committee without amendment. I beg to move that the Bill be now read a third time and passed.

The Hon. the Director of Medical Services :

I beg to second.

Bill read a third time and passed.

THE 1941-42 SUPPLEMENTARY APPROPRIATION ORDINANCE, 1943

The Hon. the Financial Secretary :

Sir, I beg to move the second reading of a Bill entitled "An Ordinance to make supplementary provision for the service of the Colony and Protectorate of Nigeria for the year ending the thirty-first of March, one thousand nine hundred and forty-two."

The Hon. the Acting Comptroller of Customs and Excise :

I beg to second.

Bill read a second time.

In committee.

Enactment.

Clauses 1 and 2.

Preamble.

Title.

Council resumed.

The Hon. the Financial Secretary :

Sir, I beg to report the Bill from committee without amendment. I beg to move that the Bill be now read a third time and passed.

The Hon. the Acting Comptroller of Customs and Excise :

I beg to second.

Bill read a third time and passed.

THE LAGOS TOWNSHIP (AMENDMENT) ORDINANCE, 1943

The Hon. G. B. Williams, M.C., Commissioner of the Colony :

Sir, I beg to move the second reading of a Bill entitled "An Ordinance to amend the Lagos Township Ordinance, 1941."

The Hon. J. J. Emberton, M.C., Administrative Director of Minerals Production :

I beg to second.

Bill read a second time.

In committee.

Enactment.

Clauses 1 and 2.

Title.

Council resumed.

The Hon. G. B. Williams, M.C., Commissioner of the Colony :

Sir, I beg to report the Bill from committee without amendment. I beg to move that the Bill be now read a third time and passed.

The Hon. J. J. Emberton, M.C., Administrative Director of Minerals Production :

I beg to second.

Bill read a third time and passed.

THE TOWNSHIPS (AMENDMENT) ORDINANCE, 1943

The Hon. G. B. Williams, M.C., Commissioner of the Colony :

Sir, I beg to move the second reading of a Bill entitled "An Ordinance to amend the Townships Ordinance."

The Hon. J. J. Emberton, M.C., Administrative Director of Minerals Production :

I beg to second.

Bill read a second time.

In committee.

Enactment.

Clause 1.

Clause 2.

The Hon. G. B. Williams, M.C., Commissioner of the Colony :

Sir, I beg to move that clause 2 be amended as follows:—

By renumbering clause 2 as clause 3 and inserting the following clause immediately after clause 1—

" 2. Section 9 of the Townships Ordinance is hereby repealed and the following substituted therefor:—

' 9. The council may make, alter and revoke standing orders generally to regulate the business and proceedings of the council and any committee thereof and in particular to ensure due notice being given to members of the meetings of the council.

9A. (1) The council may appoint a committee for any such general or special purpose as in the opinion of the council would be better regulated and managed by means of a committee, and may delegate to a committee so appointed, with or without restrictions or conditions, as the council thinks fit, any functions exercisable by the council either with respect to the whole or to a part of the area of the council except the power of levying a rate.

(2) The number of members of a committee appointed under the provisions of this section, their term of office, and the area, if any, within which the committee is to exercise its authority, shall be fixed by the council.

(3) The secretary to the council shall be the secretary to any committee appointed under the provisions of this section and every rule, order, notice, authorisation, report or other similar matter made or issued by or emanating from any such committee may be signified under the hand of the said secretary.

(4) The proceedings of a committee appointed under the provisions of this section shall be governed by the provisions of sub-section (3), except the proviso

thereto, sub-section (4) and sub-section (5) of section 8 and for this purpose the said sub-sections shall be read as if for the word 'council' the word 'committee' were substituted."

Amendment approved.

Title.

Council resumed.

The Hon. G. B. Williams, M.C., Commissioner of the Colony :

Sir, I beg to report the Bill from committee with one amendment. I beg to move that the Bill as amended be now read a third time and passed.

The Hon. J. J. Emberton, M.C., Administrative Director of Minerals Production :

I beg to second.

Bill read a third time and passed.

THE LABOUR (WAGE FIXING AND REGISTRATION) ORDINANCE, 1943

The Hon. E. A. Miller, Commissioner of Labour :

Sir, I beg to move the second reading of a Bill entitled "An Ordinance to create facilities for the fixing of minimum wages, the regulating of conditions of employment generally and the registration of industrial workers for the purposes of employment."

The Hon. the Director of Medical Services :

I beg to second.

The Member for the Rivers Division (The Hon. S. B. Rhodes, C.B.E.) :

Your Excellency, while I very much appreciate the introduction of this Bill to Nigeria, yet I feel I should ask the Government, in drawing up rules for the working of this Bill, to take into consideration the Provinces and not to allow such a high standard of wages. By that I mean to say not to think only of Lagos, because, after all, the man who climbs the palm tree and gets the palm nut and palm oil gets no cost of living allowance, nor does the man who plants the groundnut, and if Lagos sets a standard too high it reacts on the Provinces, as was the case with cost of living allowance. I can remember I was one of those appointed with Mr Justice Jackson to look into the Sapele Sawmill dispute under the Trades Disputes Ordinance. It was an arbitration and we sent in an award fixing a certain minimum wage. But before that award reached the Government, the Government had published the cost of living allowance in Lagos thereby causing the labourers to refuse the award. I quite agree that the time has come when all these things should be done—labour should be given better treatment and so on—but what I say is that sometimes the Government have a way of taking up a question hurriedly and rushing through it, and then we find a mistake has been made. Therefore I am asking that in setting up a minimum wage Lagos should not be the only standard but that consideration should be given to what reaction it will have in the Provinces.

The Commercial Member for Lagos (The Hon. J. F. Winter) :

Your Excellency, I would like to say that I personally welcome this Bill. I welcome it very much. It may be referred to as the Employees Charter or anything else you like to call it. At the same time it also provides a code for employers, and this particular part of the Bill—Part III—which provides for the fixation of hours and so on, is welcomed by us because it will compel the bad employers to come into line with the good employers. Looking at it purely from a common point of view it will to some extent relieve us from what we might call unfair competition.

So far as part I, section 3, is concerned, the reference to industrial workers is rather vague. I am not quite sure whether in this particular section Government includes also the agricultural worker. I will deal with that point in committee.

The Honourable Member for the Rivers Division referred to the Provinces just now and hoped everything would not be based upon the requirements for Lagos, but I see that is actually covered in the provisions for Labour Advisory Boards wherever Your Excellency may like to establish them. I should like to say this, that most legislation of this type, in my opinion, appears to be based on Lagos and the Lagos requirements, and I believe it has become a habit that the Lagosian seems to regard himself as Nigeria, and whereas Lagos is the tail of the dog we find, with almost everything that happens, that it is the tail trying to wag the dog. I do hope Government will bear this in mind and will not rush off into establishing a standard for Lagos and then be compelled to follow an unfair standard in the Provinces. But, apart from those things, I heartily welcome the Bill and am pleased to see Government has introduced a measure of this nature.

The Third Lagos Member (The Hon. E. Ikoli) :

Your Excellency, I can do no more than endorse what other speakers have said. I have discussed it with a number of Trade Union leaders, and they all welcome it. I personally welcome it myself. I was thinking of what the reaction might be among employers, but, as the previous speaker said, the proposal to establish Labour Advisory Boards with representatives of good employers, removes any difficulty we may anticipate. I support the Bill.

The Mining Member (Lt.-Col. the Hon. H. H. W. Boyes, M.C.) :

* Your Excellency, I rise to support this Bill. It is such a Bill as we must expect at this time and in future, with the progress of time and the urge for improvement throughout the British Empire of the conditions, social and otherwise, of workers. I think, Sir, this Bill has come at a very good time. I welcome the remarks of the Honourable the Commissioner of Labour in his speech yesterday and also the notes about Advisory Boards. The main thing that appeals to me in this Bill, from the point of view of principle, is that I feel it will have to be very carefully handled. After all Nigeria one may say is not so very young, but it is comparatively young from a labour point of view. Personally I have over thirty years experience of labour in this country

^o Not revised by speaker.

I think there is little more to say, Sir. If and when these Boards are set up their first steps may be halting and they may commence their functions in a modest way, but even so, in the course of time it is confidently hoped that they will extend their deliberations over a wide range of occupations and be the instrument for bringing a measure of social justice to the workers of Nigeria.

Bill read a second time.

In committee.

Enactment.

Clause 1.

Clause 2.

The Commercial Member for Lagos (The Hon. J. F. Winter) :

Clause 2, Sir. I should like a clear definition as to what is meant by "industrial worker", as to whether agricultural worker is actually included under that heading. It is not specified, but there is a rather vague wording—"... or class of persons gainfully employed or normally seeking a livelihood by gainful employment declared to be such by the Governor by notice published in the *Gazette*, except those persons exempted under the provisions of section 17". Well, that class of person may be applicable only to industrial workers and exclude agricultural labour, and I should like to know whether agricultural labour is included, for whilst there is no reason why justice should not be done to the industrial worker, there is also no reason why justice should not be done to the agricultural worker, and this country is practically dependent for income on agriculture. We have seen for ourselves in our own country at home, and in most other countries for that matter, that invariably the industrial worker organises more rapidly and yells more loudly; in consequence the agricultural worker is usually left sticking in the mud and agriculture gradually deteriorates, and I would hate to see that here.

I raise this point also, Sir, because if we expect our ex-service men who were agricultural workers to return to agriculture when they leave the Army, they won't do it on 2d a day or whatever the agricultural worker is getting.

I should like to know whether the agricultural worker is included in this section or not. We must give them consideration, in fact very prior consideration.

The Hon. E. A. Miller, Commissioner of Labour :

Your Excellency, it is not primarily the intention of this Bill to provide for the ordinary agricultural labourer who is working on his farm, or the farm of another African, in the farmlands of Nigeria. This is a Bill for the industrial workers who are set out in the definition. I could not for a moment consider that the agricultural workers should be in an industrial Bill of this nature; it would mean a task far beyond my powers as Commissioner of Labour to have to deal with some seven or eight million people straight away, and quite impracticable.

And I further suggest that the question of the agricultural worker, and the question of agriculture in general, is a matter for the agricultural

authorities, and I have reason to believe that steps are being taken to try and put agriculture in this country on a much sounder footing than it is at the present time.

The Commercial Member for Lagos (The Hon. J. F. Winter) :

May I say, Sir, that a Labour Department embraces all forms of labour, and I am rather surprised that the Commissioner of Labour should endeavour to evade his responsibility by shooting the agricultural labourers onto the Agricultural Department, which is here for the development of agriculture. This Department will probably make its recommendations in connection with agricultural labour conditions. We all know that conditions have changed—the old idea of a farm owned by one man is fast going by the board, and farmers have to employ labour all over the country. There are many changes in farming, and I think the farm labourer, as we call him out here, is no different to any other form of labour. It is a form of labour, and I feel the Labour Department should accept responsibility for all forms of labour. I do not say the Labour Department must accept recommendations of the Agricultural Department, but I still feel agricultural labour should be included; perhaps not specifically—I do not suggest you should rush into print and make specific provisions—but that they should be included in the term “labourer”.

The Hon. the Attorney-General :

Your Excellency, on the point the Honourable Member is referring to, it is quite true, as the Commissioner of Labour says, that the Bill deals with industrial workers, and that is part of the main structure of the Ordinance. But I think it only fair to add that if it is necessary to apply this Ordinance to the agricultural worker it is possible, although it may not be the primary intention of the Bill. Further, the definition says “and any person or class of person . . .”. We have the word “or” there, which in our legislation is disjunctive and not conjunctive. In England, Sir, where the word “or” is conjunctive, we are bound by the words before it. For instance there we may read about “making an entry into a factory *or* other building”, which means another building like a factory. In this case it is possible to apply this Ordinance to agricultural labourers, although it may not be the primary purpose of the structure of the Ordinance.

The Commercial Member for Lagos (The Hon. J. F. Winter) :

I accept the Attorney-General's explanation because I can now approach the Commissioner of Labour through other channels.

The Member for the Rivers Division (The Hon. S. B. Rhodes, C.B.E.) :

Sir, now we are in committee why cannot the Honourable the Attorney-General suggest an amendment so as to bring the agricultural labourer into this Ordinance. I have in mind for instance the whole of the Cameroons plantations. All the labourers there are agricultural, they are the people doing the work, yet we are not legislating for them, we are legislating for the men who are going to handle the cocoa after it has been picked, dried and so on. The same thing happens in the

this clause and out of every other place where it appears in the Bill, and that as wide powers as possible be taken now, so that they can be dealt with in due course, as and when the Commissioner of Labour is able to tackle them.

The Hon. the Attorney-General :

Sir, this is an extremely complicated Bill. I know the amount of work in its structure and I would like to suggest that we should proceed with this Bill and that Government give an undertaking that there is no question of excluding agricultural labour from the benefit of minimum wages, and that we should be given time to consider to what extent if any it is necessary to add provisions to the Bill to give effect to the wishes relating to agricultural labourers. I would not like to destroy the structure that I know has taken weeks to assemble by putting in words that might destroy it. I know members think that a brief amendment is a very simple matter, but I assure them it is not. The term "industrial worker" has been used to include various persons throughout the Bill, and there might be some cases where agricultural worker should be specifically inserted as well.

The Commercial Member for Lagos (The Hon. J. F. Winter) :

I take it, Sir, these parts operate independently and obviously there is no necessity for Government to apply Parts II, III and IV to everybody at the same time. For that reason I personally see no reason why agricultural workers should not be included, but if it is inconvenient I should be content if Government would give their undertaking that the thing is adjusted at the next meeting of Legislative Council by an amendment or another Ordinance or whatever is necessary. But I am not prepared to have the agricultural worker of this country pushed to one side. As I have already said, the basic income of this country is derived from agriculture, and it is wrong that it should be pushed into the background more and more every day.

His Excellency the Officer Administering the Government :

I would suggest that the Bill be left as it is, and if it is found that it cannot cover agricultural workers then Government will come back to this Council at the next Session and ask for an amendment to be made to the Bill.

The Commercial Member for Lagos (The Hon. J. F. Winter) :

Will Government make a statement to that effect ?

The Member for the Rivers Division (The Hon. S. B. Rhodes, C.B.E.) :

The position, Your Excellency, is this, that even if Government make a statement, we have to-day a lot of Trade Unions in the country. An action might arise which will go to the Law Courts, and it will be for the Law Courts to interpret Government's statement, and they are going to say "That is what Government says, but this is the law, and we go by the law".

His Excellency the Officer Administering the Government :

Does the Honourable Member wish to move an amendment ?

The Member for the Rivers Division (The Hon. S. B. Rhodes, C.B.E.) :

I wish, Sir, to move an amendment that after the word "labourer" in clause 2 the words "agricultural labourer" be inserted.

His Excellency the Officer Administering the Government :

Before I put that amendment I would say that official members may vote as they please. The Attorney-General has assured me he does not see any difficulty in accepting the amendment.

Amendment approved.

Clauses 3 to 8.

Clause 9.

The Mining Member (Lt. - Col. the Hon. H. H. W. Boyes, M.C.) :

Your Excellency, clause 9 (1) states—"For the purposes of this sub-section the expression 'deductions' includes deductions for or in respect of any matter whatsoever". I am thinking of cases where, in the event of our running a Provident Fund, the contributors—members of that Provident Fund—all agree to subscribe so much a week or so much a month as the case may be, say 3d or 6d, and that sum is agreed to be deducted from their wages weekly. There would be a column for deductions in their pay book, and the deductions which the men have agreed would be shown each week. But if a man is only in receipt of his minimum wage, that deduction could not be made. The money has to be recovered in some other way. All this would lead to a lot of extra work; running a Provident Fund with about 20,000 boys is a big job. I wonder if we could add an amendment. Perhaps the Attorney-General would suggest something on the following lines—"except in the case of a Provident Fund where the employee has voluntarily agreed to a deduction".

The Commercial Member for Lagos (The Hon. J. F. Winter) :

We have a contributory effort of our employees, and the same thing would apply. They become members of this pension scheme, and even when they receive only the minimum wage they still undertake to contribute, and that would have to be covered as a deduction.

The Second Lagos Member (The Hon. Jibril Martin) :

The same thing applies in regard to damages to employers. It appears there is no discriminatory measure provided in this Ordinance. It is an Order, it means you have no right whatsoever to impose a fine.

The Hon. E. A. Miller, Commissioner of Labour :

Your Excellency, regarding the remarks made by the first two members who have spoken about Provident Funds and Pension Schemes, I am in complete agreement on this question that the money should be deducted on account of contributions to approved provident or pension funds, notwithstanding the provisions of clause 9 (1), and I would ask the Honourable the Attorney-General to draft the necessary amendment to this clause. But as regards fines, any employee in any occupation for which a minimum wage has been fixed must be paid that minimum wage. The system of fining is, in my opinion, an extremely bad one

The Commercial Member for Lagos (The Hon. J. F. Winter) :

If the Commissioner of Income Tax has accepted a pension scheme for income tax purposes the Commissioner of Labour cannot do anything but accept it himself.

Amendment approved.

Clauses 9 to 16.

Clause 17.

The Member for the Rivers Division (The Hon. S. B. Rhodes, C.B.E.) :

Clause 17 (*d*) Sir. I would like an explanation from the Attorney-General as to why it should include only Government servants when there are clerks in other firms receiving pensions.

The Hon. E. A. Miller, Commissioner of Labour :

Sir, as far as I understand this Bill, and I think I do understand it, clerks in Government service are not excluded from the provision of the minimum wage clause, but from the registration. Now their records, as we all know, are well kept in Government service and it is quite unnecessary to register those persons while they are in Government service. If, on the other hand, they leave Government service they immediately become subject to the provisions of the Registration Board.

The Member for the Rivers Division (The Hon. S. B. Rhodes, C.B.E.) :

I go back to clause 2—"In this Ordinance industrial worker means . . . except those persons exempted under the provisions of section 17." And section 17 (*d*) says Government servants are exempted. Is the inference there that commercial houses do not keep proper records of their clerks or that Government clerks should not be registered but commercial clerks, although receiving pensions, should be registered and their photographs and fingerprints taken?

The Banking Member (The Hon. K. M. Oliver, M.C.) :

Sir, they may be exempted under clause 17 (*e*).

The Commercial Member for Lagos (The Hon. J. F. Winter) :

On this question of exemption, although sub-section (*e*) may be applicable, I feel if you are going to register labour it shouldn't matter who they work for, they should all be registered alike, and I personally think that should come out. I therefore move that paragraph (*d*) of clause 17 be deleted.

Amendment not approved.

The Second Lagos Member (The Hon. Jibril Martin) :

In sub-section (*c*), Sir, of clause 17 I would like to move an amendment that this should read "Chiefs appointed or recognised as such under the Appointment. . . ." that the words "or recognised" should be inserted after the word "appointed."

The Member for the Rivers Division (The Hon. S. B. Rhodes, C.B.E.) :

What difference does it make Sir ?

The Second Lagos Member (The Hon. Jibril Martin) :

Under the Ordinance Government can appoint any Chief, and under the Ordinance Government can also recognise any chiefs appointed under native law and custom.

Amendment approved.

Clauses 18 to 31.

Title.

Council resumed.

The Hon. E. A. Miller, Commissioner of Labour :

Sir, I beg to report the Bill from committee with three amendments. I beg to move that the Bill as amended be now read a third time and passed.

The Hon. the Director of Medical Services :

I beg to second.

Bill read a third time and passed.

THE CHILDREN AND YOUNG PERSONS ORDINANCE, 1943

The Hon. G. B. Williams, M.C., Commissioner of the Colony :

Sir, I beg to move the second reading of a Bill entitled "An Ordinance to make provision for the welfare of the young and the treatment of young offenders and for the establishment of juvenile courts".

The Hon. E. A. Miller, Commissioner of Labour :

I beg to second.

The Commercial Member for Lagos (The Hon. J. F. Winter) :

I rise to give this Bill my very hearty support. It is a measure that is very badly needed in Lagos and the other big towns in the country, and I only hope it may be implemented with speed.

Bill read a second time.

In committee.

Enactment.

Clause 1.

Clause 2.

The Hon. G. B. Williams, M.C., Commissioner of the Colony :

Clause 2, Sir. I beg to move that this clause be amended by deleting the words "by a Resident or the Commissioner of the Colony."

Amendment approved.

Clause 3.

The Hon. G. B. Williams, M.C., Commissioner of the Colony :

Sir, I beg to move that clause 3 be amended by substituting for the expression "a superintendent or inspector of police, or other officer of police of equal or superior rank, or the officer in charge", occurring in the 3rd, 4th and 5th lines, the expression "the police officer in immediate charge for the time being."

Amendment approved.

Clause 4.

Clause 5.

The Second Lagos Member (The Hon. Jibril Martin) :

Clause 5, Sir, the fourth line—"other than a relative." I just want an explanation why it is necessary to allow a young person to associate with a relative.

The Hon. G. B. Williams, M.C., Commissioner of the Colony :

The Honourable Member thinks then that these words might be deleted? In the great majority of cases, except where the relative has been responsible for leading the child astray, it is desirable that the relative should have an opportunity of seeing the child. For instance, a parent and his child might both be committed for an offence. If the words in question were deleted it would be impossible for them to see one another although it might be desirable. On the other hand, if the parent has led the child into crime there is nothing in this which prevents them being separated. It would be within the discretion of the person in charge of the Police Station.

The Second Lagos Member (The Hon. Jibril Martin) :

I think once a relative is an adult charged with an offence he should not be allowed to associate with a child. I think in the interests of the young person himself he should not be allowed to associate with relatives, and I wish to move that the words "other than a relative" be deleted.

The Hon. G. B. Williams, M.C., Commissioner of the Colony :

If these words are deleted, from the time the child is taken into custody until the time he comes for trial, he would not be able to see his parents, although they might be unassociated with the crime.

His Excellency the Officer Administering the Government :

I do not think the Honourable Member is right. It would only prevent him from associating with an adult charged with an offence, which presumably would cover a relative. If the relative is charged with an offence then the child could not see him; if the relative is not charged with an offence then he could.

The Hon. the Chief Secretary to the Government :

Government is prepared to accept the amendment.

Amendment approved.

Clauses 6 and 7.

Clause 8.

The Hon. G. B. Williams, M.C., Commissioner of the Colony :

Sir, I beg to move that clause 8 be amended by adding at the end of the clause the following sub-clause—

"(9) The Chief Justice may make rules for regulating the procedure in juvenile courts, the fees to be charged and the forms to be used therein and such of the provisions of any written law relating to

the practice and procedure in magistrates' courts not inconsistent with the provisions of this Ordinance shall have effect subject to any rules so made".

Amendment approved.

Clauses 9 and 10.

Clause 11.

The Second Lagos Member (The Hon. Jibril Martin) :

Sir, I beg to move that the words " or to an " be inserted after the word detention, so that this will read " committal to a place of detention or to an approved institution, or otherwise. "

Amendment approved.

Clause 12.

The Second Lagos Member (The Hon. Jibril Martin) :

In the second line of clause 12 Sir, I am suggesting that the words " under the age of sixteen years " be deleted, because the definition already covers up to the age of seventeen. I do not know why there is a difference in this case.

The Hon. the Attorney-General :

A young person in this Bill goes up to seventeen years, and that is why in this section the words " young person " have not been used. If they had been used it would mean under the age of seventeen, and this particular provision coincides with existing provisions in the Criminal Code.

Amendment not approved.

Clauses 13 to 23.

Clause 24.

The Hon. G. B. Williams, M.C., Commissioner of the Colony :

Sir, I beg to move that clause 24 be amended by deleting the words " with the approval of the Governor " occurring in paragraph (c). These words were inserted by mistake.

Amendment approved.

Clauses 25 to 28.

Clause 29.

The Hon. G. B. Williams, M.C., Commissioner of the Colony :

Clause 29 Sir. As a result of discussion with Their Honours the Chief Commissioners, Western and Eastern Provinces, it seems desirable that the whole of Part VIII should be revised. The principal point in sub-clause (3). "The Native Authorities and people in some parts of the country, especially in Warri province, are anxious to have power to prevent girls up to fifteen and sixteen years of age leaving their homes and straying off, and the present power of the Governor is only to make rules for children up to fourteen years of age.

I beg to move that the existing Part VIII be deleted and the following substituted :—

" PART VIII

POSSESSION AND CUSTODY OF CHILDREN AND YOUNG PERSONS.

29. (1) No person shall give or acquire the custody, possession, control or guardianship of a child whether or not for pecuniary or other benefit in such circumstances that it may reasonably be inferred that such child has been sold or bartered or that by reason of such giving or acquiring such child may reasonably be inferred to be placed in moral danger.

(2) In any prosecution under sub-section (1) where it is proved that the custody, possession, control or guardianship of a child has been given to or acquired by a person other than a person being a member of the family of such child it shall be presumed by the court that such child has been given or acquired in contravention of the provisions of sub-section (1):

Provided that it shall be a defence to prove that such child was so given or acquired in accordance with native law or custom so far as such native law or custom is not repugnant to natural justice, morality or humanity or inconsistent with any written law.

(3) The Governor in Council notwithstanding any native law or custom to the contrary may by order declare that in any area in Nigeria described in such order no person shall give or acquire the custody, possession, control or guardianship of any child or of any young person or of any female of any specified age below the age of 17 years or shall remove any such female from such area save in accordance with rules made by the Governor in Council and such rules may be either general or made in respect of any particular area in Nigeria.

(4) No proceedings shall be taken in respect of an offence against the provisions of sub-section (1) without the written permission of a divisional officer or in the case of Lagos a law officer or crown counsel, and any document purporting to be the permission of such divisional officer or law officer or crown counsel shall be received as *prima facie* evidence in any proceeding without proof being given that the signature to such permission is that of the divisional officer, law officer or crown counsel signing the same.

(5) Any person contravening the provisions of this section or of any rules made thereunder shall be liable on conviction to imprisonment for a term of seven years.

(6) In this section the expression "moral danger" includes slavery, child bondage and exposure to destitution, prostitution or immorality of any kind."

Amendment approved.

Clauses 30 and 31.

Schedule.

Title.

Council resumed.

The Hon. G. B. Williams, M.C., Commissioner of the Colony :

Sir, I beg to report the Bill from committee with seven amendments. I beg to move that the Bill as amended be now read a third time and passed.

The Hon. E. A. Miller, Commissioner of Labour :

I beg to second.

Bill read a third time and passed.

The Member for the Colony Division (The Rev. and Hon. T. A. J. Ogunbiyi) :

Sir, may I have permission to make a request, that this Bill, being very important and seriously going to affect the children throughout Nigeria, should be translated into the appropriate languages and circulated all round. We all welcome the Bill and think it very important indeed. I want the people to know that there is something forthcoming and it would be a great help. We do these things officially and I think we should let the people know about them. If this Bill were translated into Yoruba, Hausa and Ibo it would be money well spent. I make that request.

His Excellency the Officer Administering the Government :

Perhaps the Honourable Member would discuss this afterwards with the Information Officer.

THE DOGS (AMENDMENT) ORDINANCE, 1943

The Hon. the Attorney-General :

Sir, I beg to move the second reading of a Bill entitled " An Ordinance to amend the Dogs Ordinance, 1942. "

The Hon. the Senior Resident, Oyo Province :

I beg to second.

Bill read a second time.

In committee.

Enactment.

Clause 1

Clause 2.

The Hon. the Attorney-General :

As the Honourable the Commissioner of the Colony has explained, this particular provision was in connection with the constitution of a special quorum of Lagos Town Council. That has been got over by an amendment that Council has approved, therefore I beg to move that clause 2 be deleted and in consequence clause 3 be renumbered clause 2.

Amendment approved.

Title.

Council resumed.

The Hon. the Attorney-General :

Sir, I beg to report the Bill from committee with one amendment and one consequential amendment. I beg to move that the Bill as amended be now read a third time and passed.

The Hon. the Senior Resident, Oyo Province :

I beg to second.

Bill read a third time and passed.

THE INTERPRETATION (AMENDMENT) ORDINANCE, 1943

The Hon. the Attorney-General :

Sir, I beg to move the second reading of a Bill entitled "An Ordinance to amend the Interpretation Ordinance, 1939."

A matter arose yesterday afternoon after Council adjourned, and therefore I ask the permission of Council to add a further clause to this Bill when we reach the committee stage.

The Hon. the Senior Resident, Oyo Province :

I beg to second.

Bill read a second time.

In committee.

Enactment.

Clauses 1 to 6.

Clause 7.

The Second Lagos Member (The Hon. Jibril Martin) :

Sir, I suggest that the word "or" should be inserted instead of the word "for" after the words "replaced wholly" in paragraph (a) of clause 7. This seems to be a printers error.

Amendment approved.

Clauses 8 to 10.

The Hon. the Attorney-General :

Under section 39 of the Interpretation Ordinance, Sir, there is provision for the signification of Orders by the Governor, and the section reads as follows :—

39. (1) When power is given to the Governor to make any order or give any direction, it shall be sufficient, unless it is otherwise expressed, for such order or direction to be signified under the hand of the Chief Secretary to the Government or of a Chief Commissioner.

(2) Sub-section (1) shall not apply to the issue of any warrant by the Governor ; such warrant shall be under his hand and seal.

We notice that this section only applies to *direction*, but there are other matters scattered through our laws where Your Excellency has to give your approval to something or your permission or consent, and therefore I think that while we are making this Ordinance as complete as possible we should amend this section by inserting after clause 10 the following clause :—

" 11. The principal Ordinance is hereby amended by inserting after the word 'direction' in sub-section (1) of section 39 the following:—'approval, permission or consent'".

Amendment approved.

Title.

Council resumed.

The Hon. the Attorney-General :

Sir, I beg to report the Bill from committee with two amendments. I beg to move that the Bill as amended be now read a third time and passed.

The Hon. the Senior Resident, Oyo Province :

I beg to second.

Bill read a third time and passed.

THE RAILWAY SERVANTS' PROVIDENT FUND (BOARD—VALIDATING)
ORDINANCE, 1943

The Hon. the Financial Secretary :

Sir, I beg to move the second reading of a Bill entitled " An Ordinance relating to the Board of Management of the Railway Servants' Provident Fund."

The Hon. E. A. Miller, Commissioner of Labour :

I beg to second.

Bill read a second time.

In committee.

Enactment.

Clauses 1 and 2.

Preamble.

Title.

Council resumed.

The Hon. the Financial Secretary :

Sir, I beg to report the Bill from committee without amendment. I beg to move that the Bill be now read a third time and passed.

The Hon. E. A. Miller, Commissioner of Labour :

I beg to second.

Bill read a third time and passed.

THE PROVIDENT FUNDS ORDINANCE, 1943

The Hon. the Financial Secretary :

Sir, I beg to move the second reading of a Bill entitled " An Ordinance to provide for the establishment of Provident Funds."

The Hon. E. A. Miller, Commissioner of Labour :

I beg to second.

Bill read a second time.

In committee.

Enactment.

Clause 1.

Clause 2.

The Hon. the Financial Secretary :

In this clause, Sir, it is necessary to insert a definition of the word " bonus ", so I beg to move that this clause be amended by inserting between the definitions of " board " and " salary " the following further definition :—

“ ‘bonus’ means a sum credited to an individual depositor’s account otherwise than by the depositor or by way of interest.”

Amendment approved.

Clause 3.

The Hon. the Financial Secretary :

Sir, I beg to move that this clause be amended—

(a) by inserting immediately after paragraph (d) the following paragraph :—

(e) the payment of deposits in respect of previous service and of bonus thereon as if such deposits were deposits required to be made by the regulations.

(b) by relettering paragraphs (e) to (l) as paragraphs (f) to (m) respectively.

(c) by deleting the words “ payments of ” in paragraph (f) to (g) as relettered.

Amendments approved

Clause 4.

The Hon. the Financial Secretary :

Sir, I beg to move that the Bill be further amended as follows :—

(a) by inserting after clause 4 the following clause :—

5. Bonus shall be paid out of the revenue of the authority in respect of which the fund is established.

(b) by renumbering clauses 5 to 11 as clauses 6 to 12 respectively.

Amendments approved.

Clauses 6 to 12.

Schedule.

Title.

Council resumed.

The Hon. the Financial Secretary :

Sir, I beg to report the Bill from committee with certain amendments. I beg to move that the Bill as amended be now read a third time and passed.

The Hon. E. A. Miller, Commissioner of Labour :

I beg to second.

Bill read a third time and passed.

THE REGISTRATION OF TITLES (AMENDMENT) ORDINANCE, 1943

The Hon. the Attorney-General :

Sir, I beg to move the second reading of a Bill entitled “ An Ordinance to amend the Registration of Titles Ordinance, 1935 ”.

The Hon. the Senior Resident, Kano Province :

I beg to second.

Bill read a second time.

In committee.

Enactment.

Clauses 1 to 3.

Title.

Council resumed.

The Hon. the Attorney-General :

Sir, I beg to report the Bill from committee without amendment. I beg to move that the Bill be now read a third time and passed.

The Hon. the Senior Resident, Kano Province :

I beg to second.

Bill read a third time and passed.

THE ROYAL WEST AFRICAN FRONTIER FORCE (NIGERIA REGIMENT)
(AMENDMENT) ORDINANCE, 1943

The Hon. the Attorney-General :

Sir, I beg to move the second reading of a Bill entitled " An Ordinance to amend the Royal West African Frontier Force (Nigeria Regiment) Ordinance. "

The Hon. the Senior Resident, Kano Province :

I beg to second.

Bill read a second time.

In committee.

Enactment.

Clauses 1 to 7.

Title.

Council resumed.

The Hon. the Attorney-General :

Sir, I beg to report the Bill from committee without amendment. I beg to move that the Bill be now read a third time and passed.

The Hon. the Senior Resident, Kano Province :

I beg to second.

Bill read a third time and passed.

THE MILITARY UNITS (AMENDMENT) ORDINANCE, 1943

The Hon. the Attorney-General :

Sir, I beg to move the second reading of a Bill entitled " An Ordinance to amend the Military Units Ordinance, 1941. "

The Hon. the Director of Medical Services :

I beg to second.

Bill read a second time.

In committee.

Enactment.

Clauses 1 to 3.

Title.

Council resumed.

The Hon. the Attorney-General :

Sir, I beg to report the Bill from committee without amendment. I beg to move that the Bill be now read a third time and passed.

The Hon. the Director of Medical Services :

I beg to second.

Bill read a third time and passed.

Council adjourned at 12.5 p.m. sine die.