

Debates in the Legislative Council of Nigeria

Monday, 16th March, 1942

Pursuant to notice the Honourable the Members of the
Legislative Council met in the Council Chamber, Lagos,
at 10 a.m. on Monday, the 16th of March, 1942.

PRESENT

OFFICIALS

- The Officer Administering the Government,
His Excellency Sir Alan Burns, K.C.M.G.
- The Chief Secretary to the Government,
The Honourable A. W. G. H. Grantham, C.M.G.
- The Chief Commissioner, Northern Provinces,
His Honour T. S. Adams, C.M.G.
- The Chief Commissioner, Eastern Provinces,
His Honour G. G. Shute, C.M.G.
- The Acting Attorney-General,
The Honourable G. L. Howe.
- The Financial Secretary,
The Honourable C. R. Lockhart, C.B.E.
- The Acting Director of Medical Services,
Dr. the Honourable G. B. Walker.
- The Director of Education,
The Honourable E. G. Morris, O.B.E.
- The Director of Marine,
Commander the Honourable A. V. P. Jvey, 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, Plateau Province,
The Honourable E. S. Pembleton, C.M.G.
- The Senior Resident, Oyo Province,
The Honourable H. F. M. White.
- The Senior Resident, Owerri Province,
The Honourable F. B. Carr.
- The Resident, Benue Province,
The Honourable D. M. H. Beck, 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 J. J. Emberton, M.C.,
(Extraordinary Member).
- Captain the Honourable E. A. Miller,
Acting Deputy Financial Secretary (Extraordinary Member).
- The Honourable G. B. Williams, M.C.,
Commissioner of the Colony (Extraordinary Member).
- The Honourable C. H. Croasdale,
Inspector of Labour (Extraordinary Member).

UNOFFICIALS

- The Member for the Ibo Division,
The Honourable B. O.-E. Amobi.
- The Member for the Rivers Division,
The Honourable S. B. Rhodes.
- The Member for the Warri Division,
The Honourable A. Egbe.
- The Member for the Oyo Division,
The Honourable N. D. Oyerinde.
- The Banking Member,
The Honourable D. D. Gibb.
- The Member for Calabar,
The Revd. 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. Oluşoga.
- The First Lagos Member,
The Honourable H. S. A. Thomas.
- The Mining Member,
Lieut.-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 Third Lagos Member,
The Honourable Ernest Ikoli.
- The Member for Shipping,
The Honourable G. H. Avezathe.
- The Member for the Colony Division,
The Revd. and Honourable T. A. J. Ogunbiyi.
- The Member for the Egba Division,
The Honourable Olaseni Moore.
- The Member for the Ondo Division,
The Revd. and Honourable Canon M. C. Adeyemi.

- The Member for the Cameroons Division,
The Honourable J. Manga Williams.
- The Commercial Member for Calabar,
The Honourable W. V. Wootton.
- The Commercial Member for Lagos (Provisional),
The Honourable E. H. L. Richardson.
- The Commercial Member for Port Harcourt (Provisional).
The Honourable F. Edmondson.

ABSENT

OFFICIALS

- The Chief Commissioner, Western Provinces,
His Honour G. C. Whiteley, C.M.G.
- The Senior Resident, Cameroons Province,
The Honourable A. E. F. Murray.
- The Senior Resident, Kano Province,
The Honourable J. R. Patterson, C.M.G.
- The Senior Resident, Sokoto Province,
Commander the Honourable J. H. Carrow, D.S.C., R.N.
- The Resident, Katsina Province,
The Honourable R. L. Payne.
- The Resident, Adamawa Province,
Captain the Honourable E. W. Thompstone, M.C.
- The Resident, Zaria Province,
The Honourable F. M. Noad.

Prayers

His Excellency the Officer Administering the Government opened the proceedings of the Council with prayers.

Address by His Excellency the Officer Administering the Government

His Excellency :

Honourable Members of Legislative Council, I am going to open my remarks on a personal note. I wish to assure you of the very great pleasure it is to me to take part once more in the proceedings of this Council. I was present at the inauguration of the new Legislative Council of Nigeria in 1923 when it was opened by Sir Hugh Clifford, and I was a member for some years. The membership of the Council may have changed but I feel quite sure that there has been no change in that tradition of co-operation and mutual understanding which has been of such value to the Government and the people of Nigeria. I count more than ever in these difficult times on the assistance of Honourable Members and I, for my part, can assure you of my whole-hearted desire to extend to you every possible sympathy and co-operation.

An* Address containing a review of the Government's activities during the past year, and a statement of the financial position, have been laid before you and I commend this address, together with the memorandum on the Draft Estimates for the coming year, for your careful attention. It has been the policy of this Government, and it is still the policy, to maintain as far as possible the pre-war standard of social services and economic services,

* See page 49.

subject only to the limitations placed upon us by the inevitable shortage of man-power and of materials ; and the Budget for the coming year has been framed in accordance with that policy. But, however much the Government may wish, as it does wish, to maintain these social services, it must be understood by everyone that nothing, absolutely nothing at all, can be allowed to stand in the way of Nigeria's war effort. If the unthinkable were to happen, if we were to lose this war, there would be no more social services, there would be no more economic development, there would be an end of our liberties and an end to all those decencies of civilisation to which we have grown accustomed. In their place we would have the establishment of a New Order, that same New Order which has been so signally illustrated by recent happenings in Hong Kong : it is indeed a moot point whether barbarity or treachery is the more salient characteristic of that Order. So if we have for a time to suffer the reduction of our social services, if our liberties are for the moment temporarily curtailed, and if our economic position is affected by war conditions, let us remember that these are temporary sacrifices which we are making in order to secure for ourselves and for others a safer and a happier future. As I have said, Government will do everything possible to maintain existing services, but first consideration must and will be given to the interests of the fighting services, to transportation of munitions of war and to the production of those essential commodities of which the Empire and our Allies stand in need and which Nigeria can supply. We must produce more foodstuffs for our own consumption in order to reduce the call on shipping ; we must produce more tin, more palm-oil, more rubber, more groundnuts, and more of all those other things so urgently needed. To do this we must work harder, and each one of us must ask himself the question—am I doing everything possible ; can I do any more to further the war effort ? It would obviously be improper of me to make any public pronouncement on the preparations which the Government is making to meet any possible contingency that can be foreseen, but I do assure you that Government is not taking a complaisant view of the war situation and is not altogether idle. The public is entitled to demand that everything possible should be done, and I for one can sympathise with the critics who think that enough is not being done, because I agree with them that it is impossible to do too much. I only ask them to remember this, that any advertisement of our activities might be of value to the enemy.

Before I close I wish to appeal to Honourable Members to use their influence throughout the country to instil a greater war-mindedness in all ; to stimulate recruiting, especially the recruiting of the illiterate classes for the armed forces ; to stimulate the production of foodstuffs and other materials, and to encourage the people to contribute to War Funds or to invest their money in War Savings Certificates. I feel confident that if we in Nigeria carry our fair share of the common burden, and work together, there are happier times ahead of us. The immediate future may be gloomy but I am sure that, with God's help, victory lies ahead of us. In this spirit of quiet but firm confidence let us proceed now to our work.

Confirmation of Minutes

The Minutes of the meeting held on the 24th of September, 1941, having been printed and circulated to the Honourable Members were taken as read and confirmed.

Administration of Oaths

The Honourable A. W. G. H. Grantham, c.m.g., Chief Secretary to the Government ; the Honourable G. L. Howe, Acting Attorney-General ; the Honourable C. R. Lockhart, c.b.e., Financial Secretary ; the Honourable

C. E. Rooke, General Manager of the Railway ; the Reverend and Honourable T. A. J. Ogunbiyi, Member for the Colony Division ; the Honourable Olaseni Mcore, Member for the Egba Division ; the Reverend and Honourable Canon M. C. Adeyemi, Member for the Ondo Division ; the Honourable J. Manga Williams, Member for the Cameroons Division ; the Honourable W. V. Wootton, Commercial Member for Calabar ; the Honourable E. H. L. Richardson, Commercial Member for Lagos (Provisional) ; the Honourable F. Edmondson, Commercial Member for Port Harcourt (Provisional) ; the Honourable J. J. Emberton, M.C. (Extraordinary Member) ; Captain the Honourable E. A. Miller, Acting Deputy Financial Secretary (Extraordinary Member) ; the Honourable G. B. Williams, M.C., Commissioner of the Colony (Extraordinary Member) ; the Honourable C. H. Croasdale, Inspector of Labour (Extraordinary Member), took the Oath as Members of the Council.

Papers Laid

The Honourable the Chief Secretary to the Government laid the following papers on the table :—

- Sessional Paper No. 12 of 1941, Report on the Medical Services for the year 1940.
- Sessional Paper No. 13 of 1941, Veterinary Department : Annual Report for the year 1940.
- Sessional Paper No. 14 of 1941, Annual Report on the Nigeria Police Force, 1940.
- Sessional Paper No. 15 of 1941, Annual Report on Education Department —1st April, 1940 to 31st March, 1941.
- Sessional Paper No. 16 of 1941, Trade Report for the year 1940.
- Sessional Paper No. 17 of 1941, Prisons Department : Annual Report for the year 1940.
- Sessional Paper No. 18 of 1941, Annual Report on the Land and Survey Department, 1940-41.
- Sessional Paper No. 19 of 1941, Annual Report on the Public Works Department, 1940-41.
- Sessional Paper No. 20 of 1941, Annual Reports for the Northern, Western and Eastern Provinces, and the Colony, 1940.
- Sessional Paper No. 1 of 1942, Report on the Progress of Co-operation in Nigeria, 1940-41.
- Report of the West African Currency Board for the year ended 30th June, 1941.
- Annual Report under Section 241 of the Companies Ordinance for the year ended 31st December, 1941.
- Draft Estimates, 1942-43 with Memorandum.
- Draft Railway Estimates, 1942-43.
- Report of the Finance Committee for the period from September, 1941 to February, 1942.
- Subsidiary Legislation made since the last meeting of the Council.
- Certificate of Urgency in respect of the following Bills :—

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

An Ordinance to make Supplementary Provision for the Service of the Colony and Protectorate of Nigeria for the year ending the thirty-first day of March, one thousand nine hundred and forty one.

QUESTIONS

Note.—Replies to Question No. 1 (Question No. 2 of the 17th of March, 1941) by the Honourable the Member for the Warri Division, Questions Nos. 47 and 48 by the Honourable the Third Lagos Member, Questions Nos. 52, 53, 54 and 55 by the Hon. the Member for Calabar, Questions Nos. 56 and 57 by the Honourable the Member for the Oyo Division, Questions Nos. 59 and 61-70 by the Honourable the Third Lagos Member, Questions Nos. 71, 74, 75, 79 and 80 by the Honourable the Member for the Ibo Division, Questions Nos. 81, 82, 83, 85 and 86 by the Honourable the Member for the Ijebu Division, are not yet ready.

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

2. (*Question No. 16 of 22nd of September, 1941*). In view of the reply to Question No. 18 of the Legislative Council Debates of 4th March, 1940, page 17, to ask :—

(a) Whether Government would kindly consider supplying to the people of Ibuno, through the Honourable Member for the Ibibio Division, either free or on payment of fees, a certified copy from the document dated 8th March, 1882, which bears the marks of twenty-one Chiefs of Ibuno ?

(b) If not, why not ?

Answer :—

The Hon. the Chief Secretary to the Government :

(a) As indicated in the reply to Question No. 18 of the Legislative Council Debates of the 4th of March, 1940, this document is not in the possession of Government. Government is not therefore in a position to provide certified copies of it.

(b) Does not arise.

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

3. (*Question No. 17 of the 22nd of September, 1941*). To ask the Honourable the Chief Secretary :—

(a) How many clans and villages are there in the Oron Native Administration and what are their names ?

(b) How is the Oron Native Administration Council constituted ?

(c) Has each village a Village Council ?

(d) If so, how are they constituted ?

(e) Has an Intelligence Report on the clans comprised in the Oron Native Administration been compiled and published ?

(f) If not, would Government consider the desirability of compiling and publishing Intelligence Reports on each clan in the Ibibio Division ?

Answer :—

The Hon. the Chief Secretary to the Government :

(a) Oron forms one clan consisting of eight Afahas or groups comprising ninety villages. The names of the villages are :—

- | | |
|----------------------|-----------------|
| 1. Mbukpo Eyekan | 46. Iquita. |
| 2. Mbukpo Uko Akai | 47. Eyo Abassi |
| 3. Ibaka | 48. Oduko |
| 4. Mbuko Elei | 49. Ekim |
| 5. Mbukpo Odobo | 50. Eyulo |
| 6. Ibotong | 51. Urua Ofong |
| 7. Akpran Akpran Uda | 52. Abiak Elibi |
| 8. Unyen | 53. Oyubiasang |

- | | |
|-----------------------|---------------------------|
| 9. Uko Ntigha | 54. Udung Ikpang |
| 10. Ikpe | 55. Uko Ikpang |
| 11. Etieke Udung Eto | 56. Uko Itak |
| 12. Etieke Nduong | 57. Ukuda |
| 13. Uda | 58. Ubodung |
| 14. Osu Ofi | 59. Eyetong |
| 15. Odukim | 60. Okosi |
| 16. Eweme | 61. Oyubia |
| 17. Urua Eye | 62. Okuku |
| 18. Utine | 63. Urua Ita |
| 19. Ebeghe Anwa Nsit | 64. Uyaron |
| 20. Ofi Uda | 65. Oyuko |
| 21. Ebeghe Anwa Ikpi | 66. Atiabang |
| 22. Afaha Osu | 67. Afaha Akai |
| 23. Utu Idim Ebughu | 68. Eyoku Asang |
| 24. Abiak Owo Ebughu | 69. Udung Nkpe |
| 25. Itak Uyo Oti | 70. Umume |
| 26. Nsie | 71. Udung Nkpe |
| 27. Osu Ebughu | 72. Ate |
| 28. Ikono | 73. Udung Ulo |
| 29. Iyoku | 74. Udung Ukpong |
| 30. Eyo Esin Ebughu | 75. Isa |
| 31. Odu Ebughu | 76. Udung Umo |
| 32. Akai Udo Ebughu | 77. Akai Nyo |
| 33. Asak Ikang Ebughu | 78. Itak Okiuso |
| 34. Eyede Ebughu | 79. Ukpata Idua |
| 35. Elei Ebughu | 80. Afaha Eduok Idua. |
| 36. Oduting | 81. Idua Oron |
| 37. Okobo Ebughu | 82. Idua Esit Edik |
| 38. Oti Oron | 83. Ibuot Ikot |
| 39. Eyo Nku | 84. Esuk Enwang |
| 40. Uboro Oron | 85. James Town |
| 41. Edikor | 86. Ibuot Utan |
| 42. Udene | 87. Obio Iyata |
| 43. Udung Uko | 88. Inua Abasi |
| 44. Enwang | 89. Owong Nim (Obong Dem) |
| 45. Uboro Uko Ilue | 90. Abana (Aquabio) |

(b) The Oron Clan Council consists of three members nominated by each village plus two representatives of the Efik community. The Council elects from its own number or co-opts from outside it an advisory committee of thirty-six who then rank as members of the Council.

(c) and (d) There are no Village Councils constituted subordinate native authorities under the Native Authority Ordinance. There are therefore no formal Village Councils, but village affairs are settled by informal meetings of leading members of the villages.

(e) An Intelligence Report on the Oron Clan was compiled by Mr. R. N. O. Marshall in January, 1936. It has not been published.

(f) Intelligence reports have been written on some fifty clans or tribes in the Ibibio Division, and only two remains to be completed. It is not Government's policy to publish intelligence reports, but copies of them are supplied on request to any native authorities to which they refer.

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

4. (Question No. 18 of the 22nd of September, 1941). 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 ?

Answer :—

The Hon. the Financial Secretary :

- (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 Onitsha-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.

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

5. (Question No. 19 of the 22nd of September, 1941). To ask the Honourable the Director of Agriculture :—

- (a) What is the standard of the Diploma in Agriculture of the Higher College, Yaba ?

(b) Is the Yaba Higher College Diploma in Agriculture equivalent to the Diploma available in Trinidad ?

(c) If so, is the Yaba Higher College Diploma in Agriculture recognised in Trinidad ?

(d) What type of training has been arranged for Yaba grade ?

(e) What is the type of training arranged for the people here in comparison with the Refresher Course in Trinidad ?

(f) Would Government be pleased to consider arrangement of a Post Graduate Course in Nigeria ?

(g) If not, what is and where lies the difficulty ?

(h) If Yaba Agricultural Diploma is not equivalent to that of Trinidad, would the Director of Agriculture arrange for a Diploma Course of the same standard to that of Trinidad for those holding the Yaba Agricultural Diploma, instead of a Refresher Course at Trinidad ?

(i) If not, why not ?

Answer :—

The Hon. the Director of Agriculture :

(a) It is difficult to make an exact comparison with the standard represented by other qualifications, but in Government's opinion the standard of the Yaba diploma is at present probably just a little lower than that of the diploma of the Imperial College of Tropical Agriculture, Trinidad.

(b) The prospectus of the Imperial College of Tropical Agriculture, Trinidad, states that "the Diploma Course is designed primarily to give "instruction in West Indian Agriculture and is limited, save in exceptional "circumstances to students from the Caribbean areas. It is designed to equip "them for the management of commercial estates". Thus the Trinidad diploma equips students for estate management while the Yaba diploma course is aimed at the development of West African farming. The two diplomas thus differ in their objectives and in the course of training given and are not strictly comparable.

(c) The Yaba Higher College diploma is not at present recognised as a qualification for admission to the Associateship course.

(d) The Yaba diploma is awarded on the results of the Final Examination, held after a two-year course at Yaba and two years at Ibadan. For this purpose the subjects are divided into three groups as follows :—

- Group I.—Agriculture
 - Agricultural Botany
 - English
- Group II.—Entomology
 - Plant Pathology
 - Soil Science
- Group III.—Agricultural Economics
 - Agricultural Statistics
 - Surveying and Map Reading.

Students are required to pass in all subjects in Group I, one subject in Group II and two subjects in Group III.

(e) The refresher course at Trinidad is a specially designed one for members of the African staff of Agricultural Departments. Its special value lies in the fact that the course is taken in another country which grows similar crops to those of Nigeria in similar conditions, but by more advanced methods.

It has the further advantage of assisting in broadening the outlook of students which would not be obtainable by a local course.

(f) No Sir.

(g) In the opinion of this Government such a course would serve no useful purpose.

(h) The Yaba diploma course is steadily being improved and it is hoped that in time we shall be able so to modify it that the diploma will be recognised as a qualification for the Trinidad Associateship. It is probable however that in order to achieve this the duration of the course will have to be increased. Every effort is being made to give the Yaba students the type of training which will make them of maximum use to Nigeria and for reasons given in (e) above the Refresher course at Trinidad is regarded as an important part of this training. The Refresher course is not a fixed course but is a special course designed by the College Authorities to meet the needs and standards of the individual students.

(i) See answer to (h) above.

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

6. (Question No. 20 of the 22nd of September, 1941). To ask the Honourable the Financial Secretary :—

(a) Whether the merger of the Interpreters' and Clerical Services is now complete ?

(b) To what extent do the persons affected benefit by the merger ?

(c) How many Interpreters have become eligible for the full benefits of the Clerical Service ?

(d) In how many cases have Interpreters been adversely affected ?

(e) Is the position of Interpreters in the Judicial Department the same as the position of Interpreters in the Provincial Administration ?

(f) If not, how does it differ ?

Answer :—

The Hon. the Financial Secretary :

(a) The answer is in the affirmative.

(b) Interpreters who opted for absorption in the Clerical Service thereby became eligible for promotion to higher clerical grades subject to their being in possession of the qualifications prescribed for advancement under the conditions governing that Service. Those who exercised the option of remaining on the conditions in force at the time of their appointment as Interpreters retain their rights under those conditions as provided in General Orders 604-613 of the 1931 edition (Appendix D in the current edition). Unqualified Interpreters who retained these latter conditions were required to obtain a pass in the examination prescribed in General Order 609 not later than the end of 1941 in order to become eligible for advancement in the Interpreter Service.

(c) Fifty-three.

(d) It is not considered that the prospects of any Interpreters have been adversely affected by the merger which came into operation on the 1st of April, 1939, although in the case of one officer his immediate prospects may

have suffered to some extent. This officer who was appointed in 1936 as an Unqualified Interpreter elected to join the clerical service. Subsequent to his election he passed the necessary language examinations which would, had he not previously exercised his option to join the clerical service, have made him eligible for promotion to the grade of Second Class Qualified Interpreter. In fact he converted to the scale of £36-6-72 and in addition was paid a bonus of £25 in respect of his success in the two language examinations. Subject to confirmation, he will proceed by annual increments to the maximum of the scale subsequently to the scale of £80-8-128. In addition the improved prospects of promotion to higher grades in the clerical service, which were not normally available to the Interpreter service, are now open to him.

(e) The answer is in the affirmative.

(f) This part of the question does not therefore arise.

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

7. (Question No. 25 of the 22nd of September, 1941). To ask the Honourable the Chief Secretary :—

(a) Is there any reason why Government does not extend the Clerical Staff Housing Scheme to Port Harcourt and Aba ?

(b) If the answer is in the negative will Government say whether this scheme will be extended and when ?

Answer :—

The Hon. the Chief Secretary to the Government :

(a) None, provided satisfactory titles to land are obtained, and approval for extension of the scheme would ordinarily be sought, but

(b) In view of the restriction on imports and the high cost of building materials it is not proposed to do so until after the war and when normal times return. Very few applications for advances are at present being received.

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

8. (Question No. 30 of the 22nd of September, 1941). To ask the Honourable the Chief Secretary to the Government :—

Whether Government does not think that the time has come when chiefs in the Eastern Provinces should be graded and brought on the same footing in their brother chiefs in the West ?

Answer :—

The Hon. the Chief Secretary to the Government :

No, Sir. Reference to the list of Native Authorities in the Eastern Provinces published in *Gazette Extraordinary* No. 79 of the 28th December, 1938, will show that nearly all consist of councils of family heads, elders and other representatives of the people. It is considered that no useful purpose would be served by attempting to introduce, in respect of the few chiefs mentioned by name, an artificial grading for which there is no traditional basis.

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

9. (Question No. 34 of the 22nd of September, 1941). To ask the Honourable the Director of Education :—

(a) What was the total number of students on the roll at Umuahia College at the time it was taken over and converted into an internment camp ?

(b) What alternative arrangements have been made for the students to continue their studies and are the conditions satisfactory ?

(c) Is Government aware that there is strong feeling in the Eastern Province against this interruption in the normal life of the College ?

(d) How soon does Government propose to make other arrangements for an internment camp so that the College can resume its normal activities ?

Answer :—

The Hon. the Director of Education :

(a) 149 students.

(b) The students were accommodated as under :—

Higher College, Yaba	18
King's College, Lagos	22
Dennis Memorial Grammar School, Onitsha	26
Methodist College, Uzuakoli	21
Hope Waddell Training Institute, Calabar	20
Christ the King College, Onitsha	20
Oron Boys' High School	22
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The arrangements made were satisfactory, and Government is extremely grateful for the ready co-operation afforded by the Missions in assisting to accommodate the students.

(c) Yes.

(d) As soon as practicable, but it is regretted that the number of internees is at present too great to allow of any practicable arrangements being made for their confinement elsewhere in Nigeria. An endeavour has been made to reduce the number but it has not as yet been found possible to do so.

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

10. (*Question No. 39 of the 22nd of September, 1941*). To ask the Honourable the Chief Secretary to the Government :—

(a) Was an undertaking given at the time of the transfer of Kano Sabongeri to the Native Administration that privileges which Sabongeri residents had enjoyed previous to the transfer would not be affected ?

(b) Are the authorities aware that licences for brewing "pito" and "burukutu" (native beer), have since the transfer been denied to Moslems-natives of the Southern Provinces who had depended on this industry for their livelihood ?

Answer :—

The Hon the Chief Secretary to the Government :

(a) It is not clear what the Honourable Member understands by the word "privileges" but if he has in mind the right to take cases to the Magistrate's Court, he is referred to the speech in Legislative Council by His Honour the Chief Commissioner, Northern Provinces, on 7th of March, 1940 wherein it was stated that "Court arrangements will remain exactly as they are now"

No changes have since been made.

(b) Yes, Sir. The manufacture and sale of alcoholic liquors by Moslems is repugnant to Moslem sentiment and licences for such purposes are no longer issued to persons professing the Moslem faith.

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

11. (*Question No. 40 of the 22nd of September, 1941*). To ask the Honourable the Chief Secretary to the Government :—

(a) Have any steps been taken to implement the assurances given to residents at the time of the transfer of Kano Sabongeri to the Native Administration that "they shall have a Council of their own—a Town Council responsible for the services of the town—responsible for drawing up and submitting to the Native Authority a budget for the expenditure of their town and later on expending such money as can be allowed for such purposes" ?

(b) If not, why not ?

Answer :—

The Hon. the Chief Secretary to the Government :

(a) Yes, Sir. A beginning has been made by the establishment of a representative board which is required to submit to the Native Authority a draft estimate of expenditure in the Sabongeri.

(b) Does not arise.

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

12. (*Question No. 41 of the 22nd of September, 1941*). To ask the Honourable the General Manager of the Railway :—

(a) In view of the fact that the Nigerian Railway is a state enterprise, whether Government will consider removal of the anomaly of racial test as regards the privilege of pension on retirement now enjoyed only by the European staff ?

(b) Is Government aware that in the Gold Coast Railway pensions privilege is extended to all its staff alike whether they are Europeans or non-Europeans ?

Answer :—

The Hon. the General Manager of the Railway :

(a) The question raised by the Honourable Member was discussed at length in the course of the debate which took place when the Railway Provident Fund Bill was before the Council in January last, and the Government is not prepared to reconsider the policy then expressed clearly and at length that pension privileges should not be extended to the Non-European Staff of the Railway.

(b) Yes.

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

13. (a) To ask how many European Official Reporters have been appointed by Government within the last five years and under what circumstances were their services discontinued ?

(b) In view of the fact that within this period Government has had to employ so many European Official Reporters each of whom has only served for one tour, and in view of the heavy expenses involved in connection with their passages to and from Nigeria, will not Government make provision for the appointment of an African Assistant Official Reporter with a view to his subsequent appointment as Official Reporter as is done in all the other West African Colonies ?

Answer :—

The Hon. the Chief Secretary to the Government :

(a) Four.

(b) The Honourable Member is referred to the reply given at the meeting of the 22nd of September, 1941, to Question No. 22 asked by the Honourable Member for the Ibibio Division. The appointment of an African Assistant to the Official Reporter will be considered.

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

14. To ask Government whether in view of the increased cost of living caused by war conditions, African officials and employees will be granted war bonus ?

Answer :—

The Hon. the Financial Secretary :

Yes, Sir. Government has already announced the terms of an interim award granting a cost of living bonus to certain persons on the lower salary scales employed by Government, Townships and Native Administrations both in the Colony and in the Eastern and Western Provinces.

A Committee has also been appointed to consider the adequacy of the rates of pay of labour in the Township of Lagos having regard to any increase in the cost of living which may have occurred since the outbreak of war, and to make recommendations.

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

15. To ask whether Government would be prepared to amend Financial Instruction 393 to enable all African officials to receive an advance of £12 for the purchase of a bicycle, the advance to be repayable in eighteen equal monthly instalments with interest at the rate of five per cent per annum ?

Answer :—

The Hon. the Financial Secretary :

Government is unable to consider any proposal for extending the scope of Financial Instruction 393 as suggested by the Honourable Member. Apart from the fact that the condition on which bicycle advances have been granted in the past is that they should be restricted to those for whom an allowance has been approved, the concession would encourage purchases by officials and employees for whom bicycles are not a necessity and might, at a time of restricted output, cause a shortage of bicycles for essential purposes. The Honourable Member will perhaps have observed a notification in the *Gazette* of the 15th of January, increasing the limit of bicycle advances from £8 to £12, having regard to the rise in prices.

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

16. To ask whether Government would be prepared to amend General Order 424 (b) so as to allow African officers the privilege of free transport facilities to any place in Nigeria at which they might desire to spend their leave, irrespective of whether such place is their home or native place ?

Answer :—

The Hon. the Financial Secretary :

Government is not prepared to grant African officers the privilege of free transport facilities to any place in Nigeria.

The terms of General Order 424 (b) have however been modified by Circular No. 3/1942 so far as to allow Heads of Departments to authorise, at their discretion, free transport to African staff and employees travelling on leave who wish to proceed to a destination other than their recorded homes or native place, subject to the condition that the expenditure involved does not exceed the cost of the transport for which they are eligible to their homes or native place.

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

17. To ask whether Government would consider making fifty years the age at which Government officials shall be required to retire, instead of fifty-five years as at present ?

Answer :—

The Hon. the Chief Secretary to the Government :

No, Sir. In this connection the Honourable Member is referred, in the case of African officers, to the reply made to Question No. 2 raised by the Honourable Member for the Oyo Division in this Council on the 24th of September, 1941, to which Government has nothing further to add : and in the case of European officers, to the provisions of section 9 of the European Officers' Pensions Ordinance, Chapter 26, as amended by Ordinance No. 6 of 1937.

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

18. To ask Government to establish departmental competitive tests for promotion to First Class Grade in all departments similar to those which now exist in the Customs and Agricultural Departments ?

Answer :—

The Hon. the Chief Secretary to the Government :

It is not considered that all round suitability for promotion to First Class Grade in the Clerical Service can best be decided by competitive examination, except where specialised knowledge is of the first importance. Promotion to this Grade in the Agricultural Department is not at present decided by competitive examination.

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

19. (a) How many secondary schools were run by Government and the Native Administrations in Nigeria before the present war ?

(b) How many of them have been closed down either temporarily or permanently as a result of the war ?

(c) How soon will they be re-opened ?

(d) How many entries and how many passes were there at the Teachers' Higher Elementary Certificate Examination held in December, 1940, and how are these entries and passes distributed according to their respective Training Collèges ?

(e) Has a Board of Examiners been set up for this examination ?

(f) If not, how soon will Government set up such a Board ?

Answer :—

The Hon. the Director of Education :

(a) Government—7.

Native Administration—11.

(b) One School—Government College, Umuahia.

(c) No definite date can be given. New entrants are being accepted in January, 1942, and will be accommodated in King's College, Lagos.

(d)		<i>All Colleges</i>	<i>Non-Institutional</i>
	Number of entries	226	520
	Number of candidates who sat ..	223	372
	Number of passes	75	16
	Number of referred candidates ..	110	60
	(i.e. who failed in not more than two subjects).		

INDIVIDUAL COLLEGES

	No. of candidates	No. of passes	No. of candidates referred
<i>Men</i>			
C.M.S. Awka	38	7	27
C.S.M. Hope Waddell ..	15	1	4
Wesley, Ibadan	14	10	4
Baptist, Iwo	16	—	12
St. Gregory's R.C.M., Ikoyi	11	2	7
St. Charles's R.C.M., Onitsha	25	3	10
St. Thomas's R.C.M., Igbuzo	9	—	7
St. Andrew's C.M.S., Oyo ..	25	17	7
Methodist, Uzuakoli ..	18	10	7
<i>Women</i>			
United Missionary College, Ibadan	26	13	13
St. Agnes's R.C.M., Yaba ..	11	7	2
Holy Rosary, R.C.M., Onitsha	4	1	3
Women's Training College, Umuahia	11	4	7
	223	75	110

(e) and (f) The appointment of a Board of Examiners for this examination has been accepted in principle, but owing to a shortage of suitable personnel in the Missions and in the Education Department at the time, it was not found practicable to appoint such a Board for the 1940 examination.

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

20. Inviting Government's attention to the issue of *The Colonial Review* for June, 1941, page 8, column 2, published in London, which contains a report said to have been culled from *West Africa* of March, 1, 1941, which states that an African postal official at Bukuru, who was taken seriously ill, was denied the use of an ambulance to convey him to the hospital at Jos, on the ground that the ambulance was provided for Europeans only, to ask :—

(a) Whether Government has made an inquiry into the accuracy or otherwise of this report? If so.

(b) What report has Government received about this incident?

(c) If not, will Government please institute prompt inquiry into this allegation?

(d) Did this postal official eventually recover or did he succumb to his illness?

(e) What was the name of this postal official?

(f) What was his grade?

(g) How many ambulances are available for use at each of the Government hospitals in Nigeria including the Cameroons under the British Mandate?

(h) How many of the stations in Nigeria have ambulances provided by Government for use by Europeans only?

Answer :—

The Hon. the Director of Medical Services :

(a) Yes, Sir.

(b) and (c) The official in question reported sick in the afternoon of 11th October, 1940, to the Postmaster, Bukuru who telephoned to the African Hospital, Jos, for an ambulance. He was informed by the Sister in Charge that he should apply to the Senior Medical Officer at the European Hospital where the ambulance is kept. No application was made to the Senior Medical Officer.

(d) The official was placed on the sick list on Saturday 12th October, and discharged for light duty two days later.

(e) Imran Mustapha Agunbiade.

(f) Third-class Postal Clerk and Telegraphist.

(g) Nineteen, available at the following places: Enugu, Lagos, Ibadan, Bida, Kano, Agbor, Victoria, Port Harcourt, Zaria, Jos, Kaduna, Apapa and Maiduguri.

(h) None.

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

21. (a) Is there any ruling that European Medical Officers are not to visit African patients in their own homes?

(b) If so, why?

Answer :—

The Hon. the Director of Medical Services :

(a) No, Sir.

(b) Does not arise.

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

22. To ask Government what material assistance is the Agricultural Department giving to the native producers particularly in the Eastern Provinces of Nigeria to enable them to produce first grade quality of commodities such as palm oil, cocoa, coffee, etc?

Answer :—

The Hon. the Director of Agriculture :

Agricultural experimental stations have been established at Umuahia and Onitsha for many years and Agricultural Officers were until recently posted to the Onitsha, Owerri and Calabar Provinces. As a result of war time exigencies of the service it recently became necessary to post the Agricultural Officer, Calabar elsewhere and his work is at present supervised by the Agricultural Officer, Umuahia.

Every possible effort has been made by the Agricultural Department to demonstrate to the people of the Eastern Provinces the value of the cultivated palm, the improvement of palm groves and the use of a press for the extraction of oil. Much work has also been done to produce a suitable type of nutcracker. The oil palm research station, which has been established at Benin is concerned with problems which are common to all oil palm areas, and it is the intention of the Government to establish a sub-station in the Calabar Province, but this project has had to be postponed as a result of the

outbreak of the war. An offer by the Government to establish in the Eastern Provinces a demonstration Pioneer Mill which has been presented by Messrs The United Africa Company was not received with any enthusiasm, in a fact in one area the people flatly refused to have it.

Attempts to establish plots of cocoa on our experimental farms have been a failure and it is now clear that the soil and climate of the Eastern Provinces are not generally suited to cocoa. In those areas where it will grow the Agricultural Department has given guidance and advice as to the planting of cocoa, instruction in the best methods of fermentation and preparation for the market, and advice as to the co-operative marketing of cocoa.

Extensive planting of coffee has not hitherto been encouraged in the Eastern Provinces because in normal times the market for the type of coffee which can be grown is extremely limited. Experiments have recently shown that certain improved types of coffee introduced from other countries can be grown, and seed and seedlings of these types can be obtained from the Agricultural Department.

The Department has for some years demonstrated that rice can be successfully and economically grown in the mangrove swamps at Calabar. So far however no individual has attempted to establish a rice plot of his own. Efforts are being made to popularise the growing of upland rice.

The production of oranges in the Umuahia area is being encouraged and quantity exported from the area is increasing steadily. Although tropical fruits of various types have been growing in the Botanic gardens at Calabar for the last thirty years or more there is no evidence that the people have thought it worth while to attempt to develop a fruit industry.

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

23. In view of the fact that it is the express intention of Government to make Nigeria self-sufficient in the production of her foodstuffs, and certain other industries, will Government make statement as to the different industries already begun with this aim in view and in what centres ?

Answer :—

The Hon. the Director of Agriculture :

Adequately to answer this question in detail would involve a full report of the activities of the Agricultural, Veterinary and Forestry Departments. Briefly the position can be summarised as follows :

The Government has established a flour mill at Kano and has taken steps to increase the production of wheat. Fruit juice and jam industries have been started at Abeokuta and Agege. Milk supplies have been organized for Lagos, Benin and Onitsha and the larger towns in Northern Nigeria.

Butter is being produced at Vom and Kano, and pigs at Vom, Shika, Samaru, Minna and Zonkwa. A rope and twine industry is being built up in the Niger and Bauchi Provinces and at Gusau. The sugar industry is developing in the Zaria, Katsina, Sokoto and Niger Provinces. The production of rice is being encouraged throughout the Southern Provinces, the onion industry in several Provinces of the Southern Provinces and cassava starch through the Southern Provinces. Market gardening is receiving the greatest possible encouragement everywhere. The Forestry Department is developing the anaphe silk industry, honey and beeswax production, shingles for roofing and supplies of timber.

Lagos cigars are already well known, and many minor industries such as the manufacture of boot polish, belting, shoe leather are being assisted whenever they come to the notice of the Government. Experiments with the production of dried fish are being carried on at Lagos and at several centres ;

castor oil is being made with a view to testing it as a lubricant. Tin ore bags are being produced at Bauchi.

The Member for Calabar (The Rev. and Hon. O. Efiog) :

24. To ask the Chief Secretary to the Government :

(a) Whether it is true that on the 7th of July, 1941, Mr Mkpanam a teacher at Hope Waddell Training Institution, Calabar, made a complaint to the police that his iron plate which he missed on the 18th of June, 1941, had been found in Ndubisi Nwaka's possession ?

(b) If so, was P.C. 5371 detailed to investigate the matter ; was the iron plate discovered in the possession of the accused, and is still in his possession ?

(c) If so, what steps have the police taken or are they taking in the matter ?

Answer :—

The Hon. the Chief Secretary to the Government :

(a) Yes.

(b) (i) Yes.

(ii) Yes.

(iii) No.

(c) (i) Mr Mkpanam originally claimed a steel plate which was identified, in the course of Police enquiries, as stolen property. He was charged, together with Ndubisi and two others, with receiving stolen property. He was acquitted owing to unsatisfactory evidence of identification, but an order was made by the Court for the plate in question to be handed over to the Nigeria Marine.

(ii) After the above charge had been preferred against him Mr Mkpanam laid claim to an entirely different steel plate, which had not been identified as stolen property. As the circumstances were suspicious and the claim unsupported in any way the Police declined to entertain it.

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

25. To ask the Director of Agriculture whether any of the undermentioned Leguminous used for green manuring have ever been tried in the Eastern Provinces by the Agricultural Department ; if so which and with what result :—

- | | |
|------------------|----------------|
| (1) Crotonaria | (4) Mucuna |
| (2) Centrosema | (5) Dolichos |
| (3) Calapaganium | (6) Canavalia. |

Answer :—

The Hon. the Director of Agriculture :

Numerous varieties of leguminous green manures, including those mentioned in the question, have been tried at Umuahia. In general they have failed to maintain the fertility of the soil, and we have therefore been concentrating on the use of farm yard manure and composts.

Full reports on the trial of these leguminous green manures are to be found in the Eighth Annual Bulletin of the Department, and in the published proceedings of the Third West African Agricultural Conference Volume I. (Umuahia Agricultural Station—Review of Farm Work 1923-1937 by F. E. Buckley).

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

26. To ask if there is any difference between Native Administration of the Protectorate and that of the Colony Division ; if so what constitutes the difference ?

Answer :—

The Hon. the Chief Secretary to the Government :

There are minor differences in the constitution and powers which can best be appreciated by comparing Ordinance No. 40 of 1937 with Ordinance No. 43 of 1933.

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

27. (a) How are the four districts constituting the Colony Division, *viz* : Badagry, Epe, Ikorodu and Ikeja, policed ?

(b) Have they Native Administration Police who patrol their districts to protect the population from night marauders ?

(c) If not, is Government prepared to organise and train squads of police for each district for day and night duties ?

Answer :—

The Hon. the Chief Secretary to the Government :

(a) The following detachments of the Nigeria Police are stationed in the Colony Districts :—

Badagry Division.—1 Corporal, 11 Rank and File.

Epe Division.—1 Sergeant, 1 Lance-Corporal, 10 Rank and File.

Ikeja Division.—1 Inspector, 1 Sergeant, 1 Corporal, 2 Lance-Corporals, 27 Rank and File.

The Ikorodu District is included in the Ikeja Division.

(b) There are no Native Administration Police in the Colony districts.

(c) If it is found possible to establish the proposed Native Administration Police Training School for the Western Provinces, the Native Authorities of the Colony will no doubt wish to send men for training.

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

28. (a) Were there any stipendary chiefs in any of the districts of the Colony Division before and after the introduction of Native Administration into the Colony ?

(b) How many of such chiefs continue to receive their stipends ?

(c) How many have ceased to draw stipends and why ?

Answer :—

The Hon the Chief Secretary to the Government :

(a) Immediately prior to the establishment of Native Administrations in the Colony districts there were sixteen Chiefs drawing subsidies from Government.

(b) None. The payment of all subsidies by Government ceased on the establishment of the Colony Native Administrations.

(c) All ceased to draw subsidies from Government, but those who took their proper places in the machinery of the Native Administrations have since been suitably remunerated from the funds of the local administrations. Only three of the Chiefs who were formerly paid subsidies by Government now receive fixed salaries, for which specific provision is made in the Native Treasury estimates, but others receive remuneration in the form of Council fees, Court sitting fees and percentage of tax.

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

29. (a) To ask what is now the judicial status of the Divisional Officers in each of the following places toured by a Magistrate of the Protectorate Court—Epe, Ikorodu and Ikeja ?

(b) Could they try any case? If so what kind—Civil or Criminal ?

(c) How are the Divisional Officers to be classified—Commissioners of the Supreme Court or Magistrates, Limited Powers ?

(d) Is Government prepared to appoint Justices of the Peace for the Colony Division ?

Answer :—

The Hon. the Chief Secretary to the Government :

(a) The Divisional Officers remain Commissioners of the Supreme Court, but the places mentioned are now regularly visited by a Magistrate of the Protectorate Courts who has been appointed a Commissioner of the Supreme Court and is able to relieve the Divisional Officers of much of their judicial work.

(b) Yes, Sir. Both Civil and Criminal.

(c) Commissioners of the Supreme Court.

(d) There appears to be no necessity at present for such appointments.

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

30. In view of the rapid transformation coming on at Ikeja which will eventually make it a greater Lagos, or Lagos over the border, to ask the Honourable the General Manager of the Nigerian Railway :—

(a) If he contemplates enlarging the Railway Station at Ikeja and bringing it to the status of a staff station instead of a halt ?

(b) Is he satisfied that the present house is congenial for a man of family such as a Station Master ?

(c) What is the dimension of the house and how many rooms and verandahs are there ?

Answer :—

The Hon. the General Manager of the Railway :

(a) No, Sir.

(b) The house is a standard type. Additional accommodation is not provided according to the size of the occupant's family.

(c) One room 10 ft. by 10 ft. ; Veranda 11 ft. by 3 ft. 4 ins. ; Outhouses and Kitchen 6 ft. by 5 ft. ; Latrine and bathroom 10 ft. by 6 ft. 10 ins. with partition down middle.

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

31. To ask why is an important Department like the Government Farm at Agege not supplied with pipe-borne water ?

Answer :—

The Hon. the Director of Agriculture :

Pipe-borne water has not hitherto been considered essential to experimental work at the Government Agricultural Farm at Agege.

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

32. In the interest of public convenience, to ask the Honourable the General Manager of the Railway :—

(a) Why sleeping or comfortable coaches are not attached to trains running to Oshogbo every day, a distance of about 180 miles covered within nine hours, for second class passengers whose fares is almost five times what the third class passengers pay ?

(b) Is there any special compartment allocated to Ticket Collectors of all passenger trains ? If so what part are they officially entitled to occupy ?

(c) Is the Honourable the General Manager of the Railway prepared to increase the number of trains on suburban service ? If not, will he consider the stopping of Oshogbo trains in halts for at least three minutes as an alternative ?

(d) How many African Travelling Ticket Inspectors are there ? In what part of the coaches are they entitled to accommodate themselves—first, second or special ?

(e) Is the Railway management aware that cattle attendants sleep, move about and travel on top of cattle wagons while the train is in motion ? Is this in order, and in accordance with Railway Regulations ?

Answer :—

The Hon. the General Manager of the Railway :

(a) Sleeping coaches are not provided for day journeys. The coaches provided compare favourably with those on other tropical African railways. Second class fares are approximately 1s 9d per mile and third class approximately 5d per mile for the journey in question.

(b) No, Sir. The Guard's van.

(c) No, Sir. Wide publicity has been given in the Press to the effect that train services have had to be curtailed to conserve material in furtherance of the war effort.

(d) No fixed number. They are Guards, accommodated in the Guard's van, who work as Ticket Collectors according to requirements.

(e) Yes, Sir. Despite warnings cattle attendants continue to climb on to the outside of vehicles instead of remaining in the accommodation provided. It is against regulations to climb, sleep, move about or travel on the top of vehicles whilst the train is in motion.

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

33. (a) To ask if a Water Police Service is still maintained ?

(b) What are the duties of the men detailed to that service ?

(c) Do they regulate water transport by canoes or launches in the same way as Motor Traffic Police

(d) Do launches plying Badagry, Ikorodu, Ejinrin, Epe and the Eastern Creeks come within their purview ?

(e) Who is responsible for the checking of overloading and congestion in canoes and launches ?

(f) Is travelling on lighters (being towed by launches) by passengers approved by Government ? If so under what Ordinance or Regulation ?

Answer :—

The Hon. the Chief Secretary to the Government :

(a) Yes, Sir.

(b) To patrol the foreshore of the Lagoon, MacGregor Canal, Five Cowrie Creek, the Marina and Apapa, and to check licences, certificates of seaworthiness, overloading, smuggling, pilfering and the conveyance of stolen property.

(c) The duties may be said to be somewhat similar.

(d) Yes, Sir, when at their moorings in the vicinity of Lagos.

(e) The Lagos Water Police, in respect of craft operating within their patrolling area.

(f) Yes Sir. It has been the practice for many years to permit the accommodation of passengers in towed lighters provided these are licensed under section 47 of the Shipping and Navigation Ordinance (Cap. 104 Laws of Nigeria).

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

34. (a) To ask if it is a fact that the people of Badagry as a whole have undertaken the construction of a road that will serve as a connecting link between them and the outside world and have filled a large swamp known as Mowo quagmire in the hope that Government will help them to give finishing touches to the work by supplying laterite ?

(b) Is Government prepared to do so and when ?

(c) What is the distance of the road from Badagry to Ado motor road ?

(d) What is the approximate estimate of the cost of finishing the road ?

(e) Will Government make the Badagry people a loan to finish the work if it is not prepared to take up the work itself ?

Answer :—

The Hon. the Financial Secretary :

(a) A considerable amount of work has been carried out on the Badagry-Ado Road by the Egun-Awori Native Administration and by means of voluntary labour performed by the inhabitants of the area themselves. The clearing over the Mowo swamp has been completed and the construction of the embankment over the swamp nearly finished by the people of the area for a total expenditure of £169 by the Egun-Awori Native Administration.

(b) The Egun-Awori Native Administration will be able to provide part of the funds required to complete the road and Government has undertaken to provide the balance.

(c) 16½ miles.

(d) £750.

(e) See reply to (b) above.

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

35. To ask the Honourable the Director of Medical Services :—

(a) If he is satisfied that the present site of the maternity hall at Agege is the best spot for so important a service to the public ?

(b) If not, is he prepared to consider the desirability of acquiring another site free from Railway Crossing risk, and away from a congested neighbourhood ?

(c) How long has the present hall been in existence ?

(d) How many cases had been treated in it ? Are fees collected for service rendered ? If so, how much per each case ?

Answer :—

The Hon. the Commissioner of the Colony :

(a) and (b) The present site of the Agege Maternity Centre which was presented to the Native Administration by its owner, is not considered

unsuitable and removal of the Centre to another site would only be justified in the event of land for expansion not being available adjacent to the present site.

(c) Four years.

(d) Figures for the last three years are :—

1939 :	101 ante-natal cases with 665 attendances.		
	70 post-natal	478	”
1940 :	170 ante-natal	839	”
	71 post-natal	573	”
1941 :	140 ante-natal	880	”
	107 post-natal	816	”

The fee is 1s a month for ante-natal treatment. There is no fee for post-natal treatment if it is prescribed by the supervising Lady Medical Officer, but subsequent treatment is charged for at ordinary dispensary rates.

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

36. (a) Is Government aware that salt is being manufactured at Badagry and Epe Beach with success, to the extent that the population have enough and to spare ?

(b) Is the industry going to have official encouragement to make supply to other parts of Nigeria possible ?

Answer :—

The Hon. the Chief Secretary to the Government :

(a) Government is aware that salt is being produced at both places. At Epe the salt produced during January by the villages at the sea beach totalled some 5 tons 6 cwt or approximately half the total monthly requirements of Epe Division.

No figure are at present available for Badagry but salt is being produced there in increasingly large quantities.

(b) It is Government's policy to encourage the production of all local foodstuffs.

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

37 (a) When was the Agege Post Office opened for public service ?

(b) Has it justified its existence commercially and financially ?

(c) How many hands are employed in it ?

(d) Is there any lavatory attached to the building ?

(e) When is the number of staff employed there going to be increased by at least one to relieve those engaged of daily pressure of work ?

Answer :—

The Hon. the Financial Secretary :

(a) 5th March, 1934.

(b) Yes.

(c) Three clerks.

(d) No. Lavatory accommodation is available nearby at the Postmaster's quarters at the Railway station.

(e) As soon as staff is available. Additional provision for clerical staff is being sought in the 1942-43 Estimates.

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

38. (a) What grade of township is Agege settlement at the Railway Station ?

- (b) Has it a Bale recognised by Government ?
 (c) By whom was he appointed and installed ?
 (d) In view of the inhabitants being cosmopolitan squatters is Government prepared to appoint a Bale or Headman for the town with customary organisation to be responsible for the collection of taxes and the control of the populace ?

Answer :—

The Hon. the Commissioner of the Colony :

- (a) Agege was declared a 3rd class township in 1913, but ceased to be such in 1938 because it was desired that the duties of a Local Authority should be exercised instead by a Native Authority.
 (b) There is no single head of Agege. There is, however, a Town Council with a Chairman and some of the larger immigrant communities have their own headmen.
 (c) Does not arise.
 (d) The population consists mainly of immigrant communities and it is considered preferable that executive functions should be vested in a council rather than an individual.

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

39. (a) To ask if there is any Native Court in the Colony Division empowered to impose fines or sentence accused persons to imprisonment ?
 If so—
 (b) In what prison do persons convicted by such Native Court serve their terms ?
 (c) Is the Native Court Record examined and carefully gone through before any convicted person begins to serve his term ?
 (d) What law is dispensed in a Native Court ?
 (e) Is the law codified or arbitrary ?

Answer :—

The Hon. the Commissioner of the Colony :

- (a) Section 8 of the Native Courts (Colony) Ordinance, No. 40 of 1937, sets forth the jurisdiction of the Colony Native Courts in criminal matters.
 (b) Persons sentenced to terms of imprisonment in the Ikeja Division serve their sentences in the Lagos Convict prison ; those sentenced in the Native Courts of the Epe and Badagri Divisions are also committed to the Lagos Convict prison with the exception that those sentenced to terms of imprisonment not exceeding one month serve their sentences in prisons at Epe and Badagri.
 (c) Yes, Sir.
 (d) As defined in section 9 of the Native Courts (Colony) Ordinance, No. 40 of 1937.
 (e) See reply to (d) above.

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

40. To ask :—
 (a) What are the lines of demarcation between Shagamu or Ijebu-Remo district and Ikorodu northward, and between Epe district and Ikorodu eastward ?
 (b) When and by whom were the boundaries made ?
 (c) Were the peoples concerned consulted or asked about the natural boundaries existing between them before the advent of British Government ?

(d) Is Government aware that there is a wave of unrest among the Ikorodu people about those boundaries ?

(e) Will the Government be prepared to look into the matter when representation is made to it by the people and to treat the disputed areas as neutral till a decision is arrived at ?

Answer :—

The Hon. the Commissioner of the Colony :

(a) The boundary between the Colony and the Protectorate is laid down in the Colony of Nigeria Boundaries Order-in-Council, 1913, made on the 22nd of November, 1913, which appears at pages 311-313 of the Laws of Nigeria, Vol. IV.

The Boundary between the Epe and Ikorodu districts is a line running roughly north and south, from the junction of the Berre River and the Ikorodu-Agbowa Road on the north to a point between the villages of Mopo Akinlade and Mopo Ijebu on the sea coast on the south.

(b) The Colony-Protectorate boundary was made in 1913 by His Majesty in Council. The boundary between the administrative divisions of Epe and Ikorodu was approved by the Governor in 1938, as a result of intelligence inquiries.

(c) No information on this point is available with regard to the Colony-Protectorate boundary. The reply regarding the Epe-Ikorodu boundary is in the affirmative.

(d) Representations have been received by Government from the Chiefs and Town Council of Ikorodu regarding the Colony-Protectorate boundary.

(e) The question of the Colony-Protectorate boundary is one of considerable complexity involving both practical and constitutional difficulties and before a solution can be found it will be necessary for an Administrative Officer to be released from his normal duties to carry out a thorough investigation. This will not be possible before the end of the war. In the meanwhile the *status quo* must be maintained. The people of Ikorodu have frequently been so informed and it is hoped that they will accept the position.

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

41. To ask :—

(a) What steps, if any, are being taken by Government to prevent a recurrence of the lagoon tragedy sometime last January between Ikorodu and Lagos ?

(b) How many lives were lost and how many persons were saved ?

(c) Will Government stop night navigation by passenger launches until such time as surveillance to prevent overloading is available.

Answer :—

The Hon. the Commissioner of the Colony :

(a) The proceedings of an inquiry held under the provisions of the Wrecks and Salvage Ordinance have recently been received. They contain recommendations for the prevention, as far as possible, of the recurrence of accidents similar to that referred to by the Honourable Member. These are now receiving consideration by Government. Your Excellency wishes to take this opportunity of conveying your deepest sympathy to the relatives of those who lost their lives in this regrettable mishap.

(b) Of the 170 or more persons believed to have been on board at the time of the accident, ninety-three survivors have been traced. Of the seventy-seven missing persons thirty-nine bodies have been recovered.

(c) See reply to (a).

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

42. To ask whether in view of the racial discrimination implied in section 17 of the Liquor Ordinance Government will cause the section to be deleted from the law ?

Answer :—

The Hon. the Chief Secretary to the Government :

No, Sir. Section 17 of the Liquor Ordinance gives effect to Article IV of the Convention signed at St. Germain-en-Laye in 1919, by which Government is bound not to permit the purchase of spirits by indigenous natives in certain areas. The section in question cannot therefore be deleted so long as Nigeria is bound by the terms of the Convention.

Government has, however, had under consideration for some time the possibility of affording some relaxation of the restrictions in the case of natives living in the Northern Provinces, who are not indigenous to that area, and legislation will shortly be enacted to give effect to the measure of relaxation which is considered to be practicable within the terms of the Convention.

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

43. To ask whether in the Northern Provinces the African Clerical Service is governed by Local Regulations as distinct from the General Orders and if so whether steps will be taken to abolish such regulations so as to bring the service under the same conditions as in the Southern Provinces ?

Answer :—

The Hon. the Chief Secretary to the Government :

No, Sir, the African Clerical Service in the Northern Provinces is not governed by Local Regulations as distinct from General Orders.

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

44. To ask whether in view of the large profits declared to have been realised from the sale of last season's West African Cocoa, it is proposed to make arrangements for the local producer to benefit from the transaction ?

Answer :—

The Hon. the Chief Secretary to the Government :

During the first year of the Cocoa Control Scheme His Majesty's Government made a loss of approximately £250,000 but in 1940-41 a profit was made although its extent is not yet known. The fact that a balance was available was responsible for the increases in price effected in the current season and consequently some return to producers has already been made.

The prospects of making any profit in the current year seem remote at present and it may well be that there will be a considerable adverse balance at the end of the season after taking three years' operations into account.

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

45. To ask whether Government will make public the report of the Official Inquiry into the causes of the Lagoon Motor Ferry disaster on 26th January, when nearly 100 lives were reported lost in the sinking of the ferry boat *Iyalode* No. 4 plying between Lagos and Ikorodu and whether steps are being taken by the Government to prevent such tragic happenings in the future ?

Answer :—

The Hon. the Chief Secretary to the Government :

The Honourable Member is referred to the answer to Question 41. The question of publication of relevant extracts from the proceedings is receiving attention at the same time as other factors.

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

46. (a) To ask whether Government is aware that children of Southern Nigerian parents who are domiciled in the Northern Provinces are refused admission to Kaduna College ?

(b) In view of the fact that the College is maintained from central Government Funds would Government be prepared to remove the ban ?

Answer :—

The Hon. the Director of Education :

(a) Government is not aware of any such ban having been imposed.

(b) Does not arise, Sir.

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

49. (a) Whether Government is aware of the fact that on his retirement from the service of the Egba Native Administration after a period of twelve years as President of Ake Court Grade A, Mr A. Folarin was granted a gratuity of the sum of £166 13s 4d equivalent to four months salary ?

(b) Whether Government does not consider such an award inadequate and unjust ?

Answer :—

The Hon. the Financial Secretary :

(a) Yes, Sir.

(b) No, Sir. The gratuity of £166 13d 4d awarded to Mr Folarin by the Egba Native Administration is the maximum amount for which he was eligible in respect of his twelve years' service under the rules in force at the date of his retirement from the service of the Native Administration.

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

50. Inviting Government's attention to an article entitled Nigerian " Social Questions " Pertinent Posers that demand Official Inquiry, by Miss Mary Chalton, in the *West Africa* issue of 13th September, 1941, to ask Government :—

(a) Is the Government aware of the discovery made by Mr R. K. Floyer, a British Official at Port Harcourt that about eighty young African girls from Nigeria have been found living as prostitutes in Gold Coast, having, it is alleged, been imported for the convenience of two sub-communities there ?

(b) Will Government undertake to explain the method of these girls immigration whether in a body or not ?

(c) What steps has the Nigerian Government taken in collaboration with Gold Coast Government to prevent or stop this immigration ?

(d) Are the statements of Floyer substantially accurate ?

(e) If so, what has been done by Government to prevent or stop this tragic traffic ?

Answer :—

The Hon. the Chief Secretary to the Government :

(a) Yes, Sir. The investigations were made by Mr Floyer as a result of instructions issued by Government in 1939 to officers in the Provinces concerned that information regarding the traffic between Nigeria and the Gold Coast was to be collected. Government also authorised full publicity, in the hope of enlisting the support of the public in its efforts to secure information and put an end to the traffic. The information collected had revealed no traffic in children but a considerable traffic in young women.

(b) No evidence of any organised method of travel in a body has come to light. It is, on the other hand, known that the young women are generally accompanied by persons who, as far as can be ascertained, are their legal guardians.

(c) This Government deplors the existence of this traffic in women and has been in communication with the Government of the Gold Coast since April, 1940 and both are anxious to introduce legislation to deal with the matter. The principal obstacle to the solution of the problem is the fact that most of the women participate in the traffic, not only of their own volition, but also with the active encouragement of their own families and communities. It is hoped to introduce in the near future more effective measures for the control of this traffic but it is doubtful whether adequate control can be achieved with the present shortage of Administrative and Police officers, who are already over burdened with additional work arising out of war conditions.

(d) Mr Floyer has, it is understood, made various statements, some by word of mouth. Government has not therefore had an opportunity of examining them in the exact form in which they were announced to the public; but it has every confidence in Mr Floyer and they are accepted as substantially accurate.

(e) See reply to (c).

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

51. Does the Nigerian Government provide free treatment for venereal diseases and publish propaganda matter in the vernacular or otherwise with a view to enlightening the Nigerian population on the evil of this infection ?

Answer :—

The Hon. the Acting Director of Medical Services :

Free treatment is provided for all Seamen under an International Agreement and also for all persons in Nigeria unable to pay. Suitable literature is being prepared for propaganda purposes.

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

58. To ask whether in view of the fact that no part of the British Commonwealth can consider itself outside the war zone, Government has measures for instructing the people in the more important centres of population what to do to avoid panic in case of enemy action and whether fullest organisation of the man-power of the country is being undertaken for the purpose of aiding the military in case the necessity should arise ?

Answer :—

The Hon. the Chief Secretary to the Government :

Yes, Sir.

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

60. To ask whether in view of the rapid growth of Apapa, Yaba and Ebute Metta in recent years and the reported congestion caused thereby in the work of the Ebute Metta Police Court, an additional Police Court could not be established in that area for the more expeditious handling of cases and the convenience of the public ?

Answer :—

The Hon. the Chief Secretary to the Government :

It is considered that the volume of work does not justify the establishment of a second Police Magistrate's Court in the area in question at the present time.

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

72. To ask the Honourable the Director of Education—

(a) Whether Government Visiting Teachers are by their appointment as such considered as holding superior appointment to their colleagues of the same grade and their seniors of higher grade performing class-room duties ?

(b) Is it a fact that in addition to Travelling, Motor and Mileage Allowances they also receive a special allowance of £2 monthly ?

(c) If the answer to (b) is in the affirmative, to ask what allowance is given to (i) Teachers of their grade (ii) Teachers of higher grade performing class-room duties ?

(d) If none, why not ?

Answer :—

The Hon. the Director of Education :

(a) No, Sir.

(b) Yes, provided their salaries do not exceed £220 per annum.

(c) None in either case.

(d) Visiting teachers are selected specially for this work which involves long absences from home and other disabilities. The allowance of £2 is regarded as compensation for the discomforts they suffer in comparison with their confreres whose duties are confined to class room teaching.

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

73. To ask the Honourable the Director of Education —

(a) Whether it is true that Government Teachers from Nigeria posted to the Cameroons, British Mandated Territory, have no time limit in their service in the Cameroons before they are returned to Nigeria for replacement by others ?

(b) If so will Government consider the advisability of rotating teachers between Nigeria and Cameroons after a tour of two years as done by the Medical and other departments who for good reasons find it advisable to adopt that system with specific application to non-natives of the Cameroons ?

(c) If yes, to ask for a statement of the system of rotation proposed for teachers in Nigeria and the Cameroons with reference to the number of years each teacher should serve in the Cameroons before being released or exchanged for return to Nigeria ?

Answer :—

The Hon. the Director of Education :

(a) There is no definite time limit.

(b) The question of fixing a limit to the time which African staff should be required to serve in the Cameroons has received full consideration. It has been decided that no time limit can be fixed for observance by all Departments but that each case should be examined on its merits having regard to personal wishes, the departmental roster and the public interest.

(c) Does not arise.

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

76. To ask the Honourable the Chief Secretary to the Government— Whether Government is aware of the growing dissatisfaction among the ex-student of Yaba Higher College usually expressed in their magazine, viz., *The Ex-Student* ?

Answer :—

The Hon. the Director of Education :

So far as Government is aware the article in which it was stated that the initial salary of all holders of a Yaba diploma should be fixed at £200 per annum is the only evidence of any " dissatisfaction " expressed by ex-students in the magazine in question.

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

77. (a) Does the scholarship scheme for courses of study in a British University include students in other branches of study (other than Education), such as Engineering, Agriculture, Medicine, Surveying and Commerce ?

(b) If not, why not?

Answer :—

The Hon. the Director of Education :

(a) Yes, Sir. The scope of the scholarship scheme is not limited in any way.

(b) Does not arise.

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

78. Why are Yaba Higher College Students not allowed to take external examinations in their various faculties?

Answer :—

The Hon. the Director of Education :

Yaba Higher College students are permitted to sit for, and in many cases have sat for, external examinations, but they are advised not to do so if the preparation for an external examination is likely to prejudice their chances of securing their Higher College diploma.

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

84. (a) In view of the recent lagoon accident through a damaged motor launch, resulting in the death of a large number of persons, what step is Government taking to obviate a recurrence of similar calamity in the future?

(b) Is there any possible means whereby each motor launch's carrying capacity can be assessed, and step taken to see that no launch is allowed to carry one soul above its own limit?

Answer :—

The Hon. the Chief Secretary to the Government :

(a) The Honourable Member is referred to the answer to Question 41.

(b) Craft such as the *Iyalode* No. 4 are subject to survey at annual or more frequent intervals under section 24 of the Shipping and Navigation Ordinance. The Certificate (Form B) issued by the Surveyors shows the number of passengers, assessed in accordance with regulation 30 (2) of Regulations made under section 26 of the Ordinance, which may be carried and this certificate is required to be displayed on board the craft. The Marine and Police Departments enforce the regulations in this respect so far as is possible.

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

87. (a) Is it correct that the British Government has gained so much as £382,000 as profits on their distribution of West African Cocoa between October, 1940 and 30th June, 1941, as stated in the *West African Pilot* for 30th January, 1942? If so,

(b) What arrangement is the Government of this country making to implement the promise made at the beginning of the control of cocoa price by Government when it was stated that if there was any profit, the benefit will come to the producers?

(c) What step is Government of Nigeria now taking to see to it that the price of this country's cocoa for the 1942-43 Season will be considerably better than last season, and that the best part of the purchase price goes to the producers rather than the European middlemen?

Answer :—

The Hon. the Chief Secretary to the Government :

(a) and (b) The Honourable Member is referred to the reply to Question 44,

(c) As indicated in the reply to Question 44 the prospects of any profit being made in the current season are not favourable and it is impossible to consider any steps that may be taken to distribute profits to producers until it can be established that a balance will be available for distribution.

Resolutions

The Hon. the Financial Secretary :

Your Excellency, I beg to move the following Resolution and Order :—
Resolution and Order made under the Stamp Duties Ordinance, 1939
(No. 5 of 1939)

which will have the effect of exempting orders for the payment of money and of receipts given for money given or subscribed to the Win the War Fund or the Nigerian Troops Comforts and Welfare Fund.

I am sure, Sir, all Honourable Members will agree that these are not payments out of which we wish to make revenue and should properly be exempt from Stamp Duty.

I therefore beg to move.

The Hon. the Deputy Chief Secretary :

I beg to second.

Resolution adopted.

The Hon. the Financial Secretary :

Your Excellency, I beg to move the following resolution :—

That the Report of the Finance Committee which was laid on the table to-day be adopted.

This Report, Sir, bears out the Accounts for 1940-41 and also covers an additional provision this year up to the end of the year. There is no special feature in the Report, Sir, to which I think it necessary to invite the attention of Council as a whole, and I beg to move.

The Hon. the Deputy Chief Secretary :

I beg to second.

Report adopted.

Motion

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

Your Excellency, it gives me much pleasure to move that—

In the opinion of this House the time has arrived for an inquiry to be made into the Constitution and Working of the various Native Courts in the Eastern Provinces of Nigeria.

The reason for this motion, Sir, is that in the Eastern Provinces of Nigeria a committee was set up. Another one was also set up in the West to study and recommend on the conditions of service of the staffs of Native Administrations, with particular emphasis on the revision of their salaries, so that they may bear a reasonable relation to those of their opposite numbers in the central Government provided of course that they have equal educational qualifications.

I was connected with that in the Eastern Provinces, and during the examination and investigation of evidence with respect to that part of the functions of Native Administration as was allotted to or specified in our terms of reference, we incidentally made awful disclosures of certain aspects of the Native Administration which were definitely outside the terms of our reference. As we could not deal with them and report because we have not been given authority so to do, and as those features were so paramount that we could not justly slight nor shelve them, I decided with the consent and encouragement of my colleagues to table this resolution before this Honourable House for immediate action.

As I have just said, we discovered for one thing great dissatisfaction among the people in connection with the constitution and working of the Native Courts, a factor of no small importance in the machinery of the Native Administration. This discontent is largely responsible for lack of efficiency, corruption and other abuses rampant in the Native Courts. I would like to make one or two observations in order to amplify and clarify the position and enlist the sympathy of this House to this motion.

There was the system known as the long bench. I never knew about it until I was on that committee. If it had any advantage or use at its inception it is now repudiated by the chiefs of the Native Authorities themselves, and deprecated by the people in general. This is a system by which a large number of Chiefs sit at one time as jurors or sitting members in the Court. In certain Courts they number 20, 40, 50 or even 80 people on the bench. In one area the number was so prodigious that when the aggregate sitting fees were shared, each sitting member received only 8d per month for his trouble. This naturally leads to corruptions of diverse shades and hues. The efficiency in the Service of Native Courts and Native Administration is dangerously impaired. Justice is sold to the rich at the expense and to the detriment of those with shallow pockets.

There is another problem that we discovered, that is the number of Native Courts in one area. There is a particular area which had eight native courts prior to the inception of taxation; now it has something like forty courts. This impairs efficiency and, as I have said before, justice is greatly damaged. I want to say that this does not make for the binding together of the people nor the consolidation of their native laws and customs, and I think these are good reasons why an inquiry should be set up to investigate this problem of Native Courts in the Eastern Provinces. To go further with more evidence Sir, would be to take over the burden or the work of the proposed Commission. I therefore beg to move that "In the opinion of this House the time has arrived for an inquiry to be made into the Constitution and Working of the various Native Courts in the Eastern Provinces of Nigeria."

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

I beg to second.

His Honour the Chief Commissioner, Eastern Provinces :

Your Excellency, I must oppose the motion, and in opposing it I am influenced by three main reasons. In the first place I think that in time of war there is no time or opportunity for a highly controversial inquiry. Secondly, I consider that, quite apart from the war, the time is not yet ripe for a close inquiry into a system which has only been in force for some ten years or less. And thirdly, it is my considered opinion that, in spite of the criticisms of the existing Native Court system in the Eastern Provinces, a very substantial measure of justice is meted out in those very Courts.

As regards the first reason, Your Excellency has told us that in the coming year, probably the crisis and the climax of the Great War, it is the duty of the people in the Eastern Provinces to bend their energies to the production of palm oil, kernels and other products, on a grand scale. I cannot believe that a controversial inquiry into the Native Court system would subserve that purpose; I think it would arouse differences of opinion and bitterness among the people and that they would be better employed in supporting the Imperial war effort than in discussing their individual Native Court system.

Secondly, quite apart from the war aspect of the question, as I said the Native Courts of the Eastern Provinces have a life of twelve years at most. They have come into being as the result of a number of intelligence enquiries carried out through the length and breadth of the land by Administrative Officers. We do not say that the Native Court system has yet reached full

development, but these Courts are growing, they are developing, and we, the Administrative Officers, are doing all in our power to guide them and to assist them to develop in the direction which the Reverend and Honourable Member has in mind. I would give as an instance the increasing institution of Native Courts of Appeal. I suggest to the Honourable Member that by the institution of such Courts, and he has within his own constituency a conspicuous example of the Native Courts of Appeal, we have reduced the number and promoted the efficiency of the Native Courts within the Calabar domain and we shall do more we hope in the Onitsha and Ogoja areas. If in the Owerri Province we have not yet been able to institute Appeal Courts on the same scale it is largely due to the particular qualities of the Ibo, whose social orbit is the town and whose social unit is the family. He views with suspicion any predominance on his neighbour's part and he clings to the privilege of family representation on a Native Court. So soon as there is any move on the part of the people and their leaders towards a reduction of the bench or the constitution of higher courts which will raise the tone and standard of the Courts below we shall be very glad to support it.

Finally, as regards my third reason, Sir, I have included in my Annual Report on the Eastern Provinces a comparative statement showing the figures of business done in Native Courts, both civil and criminal, a statement of the number of cases reviewed or carried to the Courts of Appeal and of the percentage of cases in which judgment has been annulled or modified. I have not yet assembled the figures for 1941 but the figures for 1940 are published, and they show that in that year 85,000 civil cases and 45,000 criminal cases were dealt with by Native Courts, a total of 130,000 cases. In 90,000 of those cases there was neither review nor appeal. I take leave to suggest that this shows that the great majority of judgments were eminently sound. Of the 40,000 cases the subject of review or appeal, only a small proportion, some 7 per cent of the whole number of 130,000, were modified or annulled. I do not deny the fact of bribery, but that depends upon the education of the people, and I am glad to know that not far from Calabar the Ibibio Union has recently sent a deputation round the country to lead a crusade against it and to induce the people to cast it out. I do not deny the fact, but I believe that as time goes on, and with the institution of Native Courts of Appeal, the standard of justice may be expected to improve.

As to the number of Native Courts which the Reverend and Honourable Member criticised, I would point out to him that when the Intelligence Reports were concluded we instituted a very large number of Village Courts, at the wish of the people, to meet the wishes of the people. In a very large number of cases those same villagers, having tried and tested their new Village Courts, have decided to abandon them and this has been done. I have reason to believe that as we gradually institute Native Courts of Appeal, with Judicial Courts below, the people will gradually find that these Courts, staffed by fewer men and by better Judges, will serve the needs of the Eastern Provinces. I look forward with confidence to the future, and I say that, quite apart from the war, the time is not yet ripe for an inquiry of this kind. I hope, Sir, that the Reverend and Honourable Member will not press his motion to a division, and I hope that in the future, when the war is won and normal conditions return, we may have made so much progress on the lines I have indicated that he will see no further cause to raise the subject.

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

Your Excellency, having regard to the importance of the present crisis particularly, I would like the withdrawal of my motion and will again bring it up when the time is more opportune.

His Excellency :

I am sure the Honourable Member is doing the right thing; because, although Government has considerable sympathy and is keenly alive to the points raised, I think he will agree that the present time is not opportune. With the permission of the House the motion will be withdrawn.

BILLS**THE 1942-43 APPROPRIATION ORDINANCE, 1942****The Hon the Financial Secretary :**

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

An Ordinance to appropriate the sum of nine million, eight hundred and ninety thousand, five hundred pounds to the service of the year ending the 31st day of March, 1943.

As Your Excellency explained in your communication from the Chair, Honourable Members have before them Your Excellency's Address and also the Memorandum on the Draft Estimates, in which they will find a very full exposition of Nigeria's financial position, of the changes which have been effected in the Budget for the forthcoming year compared with the last, and of the new proposals, such as they are, which will be found in those Estimates. It is therefore left for me, Sir, only to direct the attention of Honourable Members to those major items in the Estimates on which the fortunes of the Budget will mainly depend, and I will deal at once with the Revenue.

Now I would just say, Sir, that in regard to Revenue, this is a matter which lends itself to a difference of view and, indeed, I am told Sir that in the last Budget Session some amendments to the Estimates were made in deference to the views expressed by Honourable Members opposite. The fact that events have not confirmed their anticipations, does not in the least mean that the Revenue Estimates we have now to consider are going to be equally fortunate, because Honourable Members must remember that we are trying to predict the results of a period extending to the 31st March, 1943, and much is going to happen in this world before the 31st of March, 1943.

Whether the impact of the great events impending will fall directly on Nigeria or not, their repercussions will, and whether those repercussions will be favourable to our interests or the reverse no man can say. All that I can say is that these Revenue Estimates have been framed in the light of the best information available to us and with some margin, some prudent margin, of safety.

Now, Sir, if Honourable Members will turn to page 2 of the Memorandum of the Estimates, they will find set out there a list of major increases in Revenue which amount to a total of £576,000. Now in fact we are not as optimistic as that total might indicate because, compared with the revised revenue estimate for the present year, the increase for next year is only £234,000. And I may say that, in the light of later information, I think that that revised Estimate can itself be increased, and the possibility is that the actual revenue for 1941-42 will not fall far short of the figure which we anticipate next year. Now, Sir, the first item on the list is that Export Duties show an increase of £289,000. That is based on a revision of duties in certain cases but mainly on the anticipated increase in our Exports which will come about from the Production Drive now going forward and which was referred to in Your Excellency's Address. If we play our part, and if we are reasonably favoured by the weather, there is no doubt that that figure of revenue is a safe one.

The next item, Sir, is that of Excise Duty, which is up by the large amount of £180,000. That is due to the fact that in September last, as Honourable Members will remember, there was a substantial increase in the rate of Excise Duty, that on lighter weight cigarettes going up from 4s 2d to 11s and on the heavier weight from 1s 8d to 4s 6d, an increase of nearly three times. But, in addition to that, we are proposing to develop and extend the local manufacture of cigarettes within the country, not entirely from locally grown leaf, though that we propose to expand.

The next item is Income Tax on individuals, which Honourable Members will see has gone up by £35,000, of which £25,000 is the estimated figure which will result from the increase proposed in tax rates. And this might be a convenient time, Sir, and save time later on in the morning, if I were now to refer to those increases in rates and explain them to Honourable Members. Now, Sir, the principle which the Government has adopted in this matter is that the burden of Income Tax, direct taxation, should in these times be increased to the maximum which individuals are in a position to pay without making such sacrifices as would reduce their standard of living to the detriment of health, efficiency, and the education of children, and if such taxation goes beyond that line it has gone too far. On being examined from that point of view Government decided that no increased income tax would be justified in the case of a single man on an income of £300, or on a married man with an income of £500, a married man with one child £600, with two children £800, and with three children £900 a year. I would explain here that in referring to the effect of income tax it is never possible to explain precisely the effect upon each stage of income because of the individual circumstances in which abatements claimed for children, insurance and so forth differ, but that broadly, Sir, is the effect. And above these figures the effect is to double, in normal cases, the rates of income tax paid. Honourable Members will find in the Gazette of the 5th of March a Table which sets out in considerable detail the actual increase in the present and proposed rates.

Now, Sir, if any Honourable Member were to ask, and I think it would be a reasonable question enough—are these increases necessary; are they necessitated by the financial requirements of Nigeria—I should say no. But if Honourable Members were to ask—are they necessary in order that we may feel that Nigeria is playing the part which it is capable of playing in the common war effort of the Empire—I should say yes. And I trust Sir that that answer will be endorsed by the Honourable Members of this Council when the Bill comes before them.

Now the next item is Companies Tax, which has gone up by £140,000, but the rate is still being maintained at 5s in the pound, at which it was fixed last year, and the tax is of course based on the trading profits anticipated on the preceding year when we know trade was in fact on a high level. This item again can be regarded as a safe one.

The next substantial increase is that of Royalty on Tin, which is due of course to the increased tin output which we expect in the coming year; Honourable Members know what is lost to us on the other side of the world. The increases of £83,000 in Marine and £55,000 in the sale of coal are due of course to the increased use being made of our Port and Railway. There are other changes in the Revenue Estimates, distributed through various heads, but none of them is important enough to detail except that we have made a reduction of £50,000 in the Import Duties item. And indeed Sir, compared with the revised figure for last year, the reduction is £150,000 and may be more. There are, however, two important deductions to which I must refer, and one is contributions from the Native Authorities £215,000 which was

included in the Estimates for 1941-42, as also in 1940-41. It has been possible almost to balance the Budget without taking this into account, but it is proposed that a contingent liability in respect of it should be made. And I must here refer to an item on the expenditure side, which is the subsidy of £200,000 which is paid from General Revenue to the revenue of the Railway. As Honourable Members may imagine, the Railway finances are in a stronger position now than they have been for some years, and the question was considered as to whether this subsidy, which is paid in respect of uneconomic sections of the line, is required in the coming year; it was decided that it was. It was thought a sound policy to assist the Railway in building up some form of liquid reserve which would enable them to meet a falling off in traffic in the future when rates might otherwise have to be increased at a most inopportune time and if retrenchments have to be made, as we know they have led in the past to waste and dislocation. So, Sir, we have left that item in, but we do so with this proviso, that strong as the case may be for building up Railway reserves, there is no case for doing so, or a less strong case for doing so, at the expense of the Colony's reserves or the reserves of the Native Authorities. And if the Budget does not balance, if the Revenue is not available, the contribution to the Railway will be scaled down accordingly or it may disappear. If then the Budget is still unbalanced the contributions from the Native Authorities will be drawn upon up to a limit of £215,000. So that Honourable Members will see that behind the Revenue we have a cushion amounting to £415,000 which could be drawn upon before it is necessary to encroach upon our own balances which we will maintain at a total of about £1,300,000, though in not quite so liquid a form as we should like to see them.

Turning now to expenditure Sir, if Honourable Members will go back to page 1 of the Memorandum, they will see towards the bottom, set out on broad lines, a summary of the expenditure estimates. The first item, personal emoluments, shows an increase overall of £105,000, but of that amount £60,000 is due to recent improvements which have been made in the conditions of service which are detailed in full in Your Excellency's Address and which I will not recapitulate now. And that, I am afraid Sir, is not all, because in Finance Committee we shall have to ask for an additional £12,260 in respect of certain departments that did not get their Estimates in time to be included in the Budget. And further that is still not all Sir. We may well have to make some provision next year for expenditure as a result of our researches into the cost of living now being carried out in Lagos.

Under Other Charges of Departments there is an increase of £117,000, which amounts to about 6 per cent of the expenditure under those heads and, having regard to the increased costs of materials, I think Honourable Members will agree that an increase of only 6 per cent in these charges is a very reasonable increase and that Heads of Departments have had to be economical in preparing their estimates for this year. Few other forms of business could manage to carry out their operations for 1942-43 with an increase of only 6 per cent over their costs for 1941-42.

Non-departmental Heads Sir. There is an increase here of about £75,000; that is, made up on balance. There are not many changes in the Budget; the important items are an increase of £55,000 under the Pensions Head, which brings the total there to £608,000 which is a formidable, not to say a frightening figure. There is an increase of £25,000 under the item miscellaneous for colonial allowances, that is to say allowances which are paid to overseas troops stationed in this country in respect of customs duty, because I am sure there will be no dissent from any quarter of the House with the view that we do not wish to make a profit out of those who have come to Nigeria for Nigeria's defence.

Under special expenditure the main item is one of £25,000, which is the offset of the item of £25,000 to which I have referred as being anticipated receipts from increased individual income tax, which it is proposed to pay to His Majesty's Government in the United Kingdom for the prosecution of the war as an interest free loan during that period.

Under War Measures Sir, the total now amounts to no less than £153,000. That includes provision for air raid precautions at £31,000, and I am afraid that at the Finance Committee we will have to ask for a further appropriation of £21,000 for certain further works in the protection of public buildings against the possible effects of glass and splinters in air raids. There is further provision under that head for such items as censorship, Cypher Office, enemy property administration, food control, import control, Information Office, maintenance of supplies, Supply Board, and Volunteer Defence Corps. I am sure that there is no Honourable Member who would suggest these are not services which in wartime it is essential for us to have. But it is not merely money Sir which it is necessary to provide, those services absorb energy and man-power which would otherwise be devoted to the work of our other departments.

Turning briefly to some of the larger departments. In the case of Agriculture we are providing for an increase of £20,000, which is 12 per cent of the present expenditure. As Honourable Members know, that department is carrying a very heavy burden at the present time, particularly the Head of the Department, and we have included provision for the appointment of a Deputy Director of Agriculture in order that he may take away some of the work and responsibility which the Director has to bear at present, and he will continue to be required when this war is over for development and expansion of agriculture on which our post war development will largely depend.

Honourable Members will see from page 8 that a considerable number of new appointments are proposed amongst the African staff, amounting to some 109 new offices.

Under the Education Department we aim at doing little more than maintaining existing services, so all that has been made is a grant of £4,000.

Similarly with the Medical Department, which is suffering very considerably from lack of staff: the existing services are merely being maintained, although we have provided for an increase in the establishment of Assistant Medical Officers.

There is quite a substantial proportion of the total increase, about £138,000, found under the Revenue Earning Departments, that is Marine, Colliery, Electricity Services, Posts and Telegraphs. Honourable Members may notice we have re-arranged the Colliery estimates by including all charges which are incurred directly or which Government incurs on behalf of the Colliery. The object is that the estimates and accounts based upon them should show the full cost of working the Colliery and thus enable the total to be contrasted with the Revenue.

One further item under Marine to which I must refer, and that is the contribution to the Renewals Fund. Now that should be a figure of £70,000, but in last year's estimates it was reduced to £10,000 and it so remains now. Honourable Members will I think agree that it is a sound and proper thing that we should maintain a Renewals Fund for such a service as Marine, but it is rather a different matter when we have failed to balance the Budget. It is proposed therefore to leave the figure in at £10,000 but if, when the accounts are closed we find that there is in fact a balance of revenue available which would allow an addition up to £70,000 to be made to the Marine

Renewals Fund then the Finance Committee will be asked to approve that transfer on closing the accounts.

That I think Sir describes broadly the effect of the major changes and proposals of the Estimates, which result in a total revenue of £6,961,270 and an Expenditure of £6,969,120, leaving a small deficit of £7,850 only. But I must again repeat a note of warning, that the Standing Finance Committee will be asking for certain additions, of which I am afraid we have already had notice, of a total of about £50,000.

Now Sir, under the Appropriation Bill are included figures for Railway Estimates, and I will give those figures very broadly and will leave to my Honourable Friend the General Manager the task of replying to the comments during the remainder of the Debate.

The first point to note Sir is that in 1941-42 there was a net surplus available of about £670,000 from which the General Manager proposes to repay the £350,000 lent to him as a working balance, and that Sir will strengthen our financial position accordingly. In the Estimates for next year on working expenditure there is an increase of £180,000, and I think that all Honourable Members will agree that that is a very modest figure when one remembers the improvements which have recently been brought about in the conditions of service on the Railway, the increase in the cost of materials etc. and the fact that the Estimates allow for earning at least another £280,000 of revenue. Now Sir, with the operating surplus and the Government grant, from which interest charges will be met, it is estimated that the Railway will have £261,000 available for appropriation and about £200,000 at least left over from 1941-42. The use to which that balance should be appropriated has not yet been considered. There is some claim upon it in respect of the reduction of contributions to Renewals, but it is a matter for consideration as to whether it would not be sounder to retain all balances which the Railway has in some more accessible form such as a Reserve Fund, Rates Stabilization Account or even left in the Appropriation Account. These are matters to be considered at our leisure when we know the exact sums which will be available. In the meantime Sir it seems sufficient for us to know that our Railway is working very hard earning very good revenue and is efficiently and economically managed.

That Sir brings me to the end of the explanation of the major contents of this Bill. The Budget provides for a drastic increase in direct taxation aimed at those who are best able to bear it. Nevertheless it will mean to many of us a notable reduction in our standard of life. On the other hand it provides for increases in income for those public servants on the lower ranges of the scale. It provides, as Your Excellency explained, for the maintenance of the pre-war standards, as far as man-power and materials allow, of all our social and economic services. It provides for special war expenditure on those wartime services we cannot avoid, including some provision for the protection of civilian services and buildings from the possible effects of war action. It provides, I need scarcely say, for the carrying out of every obligation which this Government has ever undertaken in the past. In short, Sir, it embodies those financial and economic principles and those conceptions of social justice which form the basis of the wartime policy of the Colonial Empire, and as such I commend this Bill for the consideration of this Council. Sir, I beg to move.

The Hon. the Acting Deputy Chief Secretary :

I beg to second.

Bill read a first time.

THE 1940-41 SUPPLEMENTARY APPROPRIATION ORDINANCE, 1942

The Hon. the Financial Secretary :

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

An Ordinance to make Supplementary Provision for the service of the Colony and Protectorate of Nigeria for the year ending the 31st day of March, 1941.

The additional expenditure covered by this Bill has already been dealt with by the Council through the resolutions of the Standing Finance Committee, and I think it is customary to move this Bill merely as a formality. Sir, I beg to move

The Hon. the Acting Deputy Chief Secretary :

I beg to second.

Bill read a first time.

THE CUSTOMS ORDINANCE, 1942

The Hon. the Comptroller of Customs :

Your Excellency, I have the honour to move the first reading of the Bill entitled

An Ordinance relating to Customs.

I hope Sir that Honourable Members of this Council will not allow the mere size of this Bill to interfere with their judgment of it. In the past they will undoubtedly have noted, and the law officers will agree, that the blasting power of any particular piece of legislation is not to be judged by its size on every occasion.

The Honourable Financial Secretary has let fall certain honeyed words on a subject which we all like very much—*income tax*—and his proposals will be given effect in this quite innocent looking document of four pages. In marked contrast, the Bill before us covers a fair acreage, but I can assure Your Excellency that it contains nothing to which there can be any reasonable objection but rather, on the contrary, that it contains much that is of value to the commercial community, and many adjustments, each in itself perhaps not of catastrophic importance, which without question are long overdue.

The objects and reasons for its presentation have been set out very clearly in the memorandum which will be found on page 101. It is possible that some of my Honourable Friends have not read that memorandum as closely as I should like them to, and in any case I think it is worth while to turn to it and now read it carefully. With Your Excellency's permission I would like to read the Memorandum. It reads:—

Objects and Reasons

"The Customs Ordinance now in force was passed in 1916 and was based on the Australian law. The necessity for revision has long been recognised and arises partly from the fact that conditions in West Africa have become increasingly dissimilar from those in Australia and partly from the changes that have taken place in methods of trading and of the international carriage of goods by sea and air.

2. This Bill contains no embarrassing departures from present procedure but experience gained in different parts of the Empire has been used to remove known faults in customs control, while anachronisms and defects due to omissions have been remedied".

I might here interject Sir that in the Appendix to the Bill the First Schedule reproduces the Customs Tariff exactly as it is to-day, with two omissions, one concerning a matter which has no longer any interest for us because

of lapse of time, and another a matter which is covered by the legislation passed in the last meeting of this Council. It goes on—

“3. The broad principles of the Bill follow those of existing United Kingdom legislation and thus ensures uniformity with modern customs legislation in other parts of the Colonial Empire. The details of the Bill are in most cases taken from the Trinidad Customs Ordinance of 1938 which was a model Ordinance only enacted after the most exhaustive consideration by the necessary commercial and other interests in England including the Board of Trade and the Federation of British Industries; while the advice and assistance of His Majesty's Commissioners of Customs in the United Kingdom was also sought. There are of course slight alterations in the details of the Bill from the model; the differences being necessitated in the first instance by a consideration of the conditions particularly applicable to West African trade and practice and in the latter case by improvements in the Bill which have been shown during the last three years to be advisable and necessary to the model when in operation.

4. The legal provisions of the Ordinance are based on those at present existing on the Gold Coast which Ordinance in those respects appear to be quite suitable for West Africa and which provisions are already known and understood by the West African Trading Community. The advantage of co-ordinating these provisions in the two largest West African Dependencies is obvious.

5. At the same time it has been considered advisable to combine the Customs Tariff Ordinance with the Customs Ordinance and so bring the customs laws within the compass of a single enactment. This also is in conformity with recent colonial practice. A complete index has been prepared to facilitate easy reference and accompanies the Bill”.

And I should like to add Sir, that I understood that a Table of Sources was to be printed and laid on the table; perhaps it will be before the second reading.

It will be observed Sir that a great many authorities have been concerned in the preparation of this Bill, but the modesty of the Attorney-General (who unfortunately cannot be present to-day) has restrained him from adding one important fact, and that is that it is nearly twenty years since in British Guiana I gave him his first lessons in Customs Law. He has retained a particular interest in such legislation ever since, and I am very glad that he was able to review this Bill before he proceeded on leave. Indeed I have been singularly fortunate in the wealth of talent within Nigeria on which I have been able to call before reaching the stage of formally moving the adoption of this Bill.

Not the least part of that good fortune occurred on the day when the man whom I consider to be the greatest customs expert who has adorned the Colonial Customs Service within the last twenty years was induced to come to Nigeria as Deputy Comptroller after serving nearly twenty years on the Gold Coast and previously in that best of all schools for a customs official, the United Kingdom Customs Service. Since his arrival the study of the material which is now before Council in the form of a Bill has literally been his pre-occupation day and night.

He has above all things a fair mind with a keen appreciation of the rights of all sections, great and small, of the shipping and trading communities, and I make bold to state that anything passing his scrutiny in regard to Customs matters can have very little wrong with it, either as concerning the interest of the trade and shipping communities or the interests of the general public and of Government. And beyond all this, his long service in the neighbouring colony of the Gold Coast will, I hope, enable two birds to be

killed with one stone, for I hope this Bill will be of benefit not merely to Nigeria but to all the other West African colonies in that, because of his experience, it contains matters out of which a long desired want can be met ; I mean the unification of Customs Law, Regulations and Procedure in the whole of the West African territories. I do not think I need add anything to elaborate its benefits in this direction.

But Honourable Members will say, if this Ordinance contains no embarrassing departures from present procedure, why bring it forward at this time of stress, and possibly particularly at this time of shortage of paper. There are several things I might say in reply. Life is short, and the tenure of public office by any particular individual even shorter. It is the desire of those who are concerned with this matter to see the complete revenue collecting machine safely through its trials. A great deal of work remains to be done. The law provides for regulations to be made. Those who are familiar with the present customs regulations will have some idea of the magnitude of that task. But the making of regulations is in itself only a prelude to what is perhaps the greatest and most important task of all, which is the drafting of a comprehensive code of instructions for customs officers. It is a frequent complaint that African officers are debarred from the highest posts in the Government service, and that, far too often, seniority is allowed to outweigh merit when questions of promotion arise. My officers at present justifiably protest that they do not have a fair chance of becoming familiar with every branch of customs work because their instructions have to be picked up for the most part as a result of experience and there is no comprehensive code to which they can refer for indisputable authority as occasion demands. It is obvious that a definite code of instructions cannot be prepared until an equally definite and clear code of legislation has been brought into existence. No doubt existing legislation served its purpose in its day, but its day is past and the time long overdue to set out in the most precise terms possible what is the law relating to Customs.

The Bill before Council is an effort to give precision in matters where at present there is often intolerable vagueness. A great deal of what is now common usage in Nigeria is not covered by any legal provision, while many things commonly allowable to traders in other colonies are not allowed in Nigeria for the reason, as usual as it is unsubstantial, that it has never been done before.

Let me give just a few examples. In Nigeria we allow ships to take stores on board from warehouse without payment of duty, but we do not allow any drawback when duty-paid goods are taken on board ships as stores. That is wholly illogical, especially when it is observed that in the case of exported goods drawback is allowed in all cases where shipment from warehouse is allowed. Also the Nigerian restriction is, I think, without precedent outside West Africa. Again, we recognise a claim to refund of duty when duty-paid goods are destroyed or damaged while under customs control, yet we refuse to recognise a claim for drawback in cases where goods after being put on board an exporting ship are proved to have been destroyed. Again, when documents for imported goods are defective we have no power to take into account the fact that the defect may be relatively insignificant and we subject importers to a great deal of unnecessary trouble delay and expense both before and after their goods are delivered. As an example of the several minor matters dealt with under this head, may I refer to the proposed facilities for the sale of goods on board ships, subject of course to the shipowner's consent and to the provision whereby the onus of taking proceedings for the condemnation of seized goods is placed upon the Crown

instead of on the person whose goods are seized, which is the law at present.

In other cases the law has been amplified. Perhaps sufficient of what I mean will be clear if we look at some of the definitions which will be found on clause 3 of the Bill. The second definition for example "Aircraft". At present the customs law is applied to aircraft by regulation made under the Imperial Air Navigation Acts. I well remember when these regulations were made throughout the Colonial Empire. In practically every colony the Secretary of State had to point out that many of them were *ultra vires*, and I am not at all satisfied that what the Secretary of State pointed out represented the limit of the defects in that direction. It will be seen that a clean job has been made of aircraft and the law of customs throughout this Bill applied to goods imported and exported by aircraft in exactly the same manner as applied to goods imported or exported by ship.

Turning over the page to "customs areas". We provide for goods on the ship, we provide for them in transit sheds, and the law is delightfully silent on what happens in that period when goods are between the ship and the transit shed. The whole of the place where the goods are landed is defined as a customs area and the importers, or rather ships' agents, are responsible for their protection right up to the time the goods are cleared on proper entry.

"Drawback". The words added are "a refund of duty on goods used" At present drawback here is on goods exported only but in other colonies it has been found that as local factories have developed their work it has been advisable to grant drawback on certain materials used in those factories. Exemption cannot always be given at the time the goods are entered; one has to be quite sure that the goods entered are in fact used in the factory.

The definition of "Nigeria" goes a little beyond the definition in the Interpretation Act, which refers to the "coasts" of Nigeria. I want to make it quite plain that powers are desired to deal with vessels within three miles of any part of Nigeria, coast or otherwise.

The next definition "occupier". We want the onus of responsibility for anything that may happen in a private warehouse to be placed quite definitely on the principal of the bond that is given, quite apart from any question of the responsibility of the actual owner of any warehouse.

And then "over Nigeria". Again this is necessitated by the introduction of aircraft. We have to decide when an aircraft is over Nigeria and when any goods which may be smuggled from an aircraft may be said to have been dropped or thrown from an aircraft over Nigeria.

Another definition to which I would refer is "postal article". The Bill elaborates the present provisions of law regarding goods arriving by post and has been brought into line with the latest legislation in that connection in the United Kingdom.

Now, Sir, I have said that it has been constantly in the minds of those who have had to do with the drafting of this Bill that all ambiguity should be removed. I do not think that anyone can complain that the provisions of this Bill are not clear. Indeed, I feel that in some places the wording would pass as a guide to shippers, importers and exporters. Examples will be found in the clauses which provide for the control of a ship's movements from the time of arrival to the time of departure, for the orderly landing, entry, examination and delivery of goods and for the handling of cargoes and stores for shipment abroad.

Finally it will be observed that the change in legal procedure to which reference is made in the memorandum of objects and reasons clears up a point that is so clouded in the existing law that the practice is, I believe, precisely the opposite to what the Legislature intended, with the result that all customs cases are taken criminally, even though they concern first offences, not of a criminal nature. And the Bill provides that all cases not definitely criminal in character—assuming, for example, that one would call the shooting of the Comptroller a criminal act—should be taken civilly.

Your Excellency, I hope that Honourable Members of this Council will not any longer hesitate to approve so bulky, even though so clear, a measure. In case they are hesitating, may I say that since the corresponding Ordinance was passed in Trinidad only one question has been raised about any of its provisions and that concerned the definition of value for the purpose of ascertaining the duty on goods *ad valorem*. That definition is the one we have at present and it is repeated in this Bill. It reflects the considered opinion of a greater number of experts in the United Kingdom than I suppose have ever wrangled over any particular legal bone and it works.

I place the Bill before the Council therefore Sir, with confidence that it will not be found wanting.

Sir, I beg to move.

The Hon. the Acting Deputy Financial Secretary :

I beg to second.

Bill read a first time.

THE EDUCATION ORDINANCE, 1942

The Hon. the Director of Education :

Your Excellency, I beg to move that a Bill entitled

An Ordinance to make better provision in regard to education in Nigeria be read a first time.

Honourable Members will have read the objects and reasons of this Bill. It is merely a consolidation of the two Ordinances under which we are working at the present time, *i.e.* the Education (Colony and Southern Provinces) Ordinance, 1926 and the Education (Northern Provinces) Ordinance, 1931. It has been felt that it would be convenient and beneficial to work under one Ordinance, but in the main there are very few changes from the existing law. Certain definitions have been added which it is hoped will prove of value. You will see that "school" and "adult school" have been defined. We want as many schools as we can get in Nigeria and we want as many adult schools as we can get, but we do not want to mix the two together, for very obvious reasons. Children will not make progress in their studies if they have got grown up people in their class, nor will the grown-ups appreciate having small children who appear to be very much brainer than they are. So it is very much better to keep them separate.

Another new definition which has been inserted subsequent to the drawing up of the objects and reasons is "department of the school". That has been found very necessary. Someone may get permission to start a school, say an elementary school. He provides an adequate staff, adequate buildings, adequate equipment, and the school is opened and makes good progress. Then he decides to start to extend the school to a secondary school. If he has the staff, buildings and equipment, there is no objection : so much the better, we want more secondary schools which are adequately staffed and equipped. But, on the other hand, it is a very great temptation to try and start a secondary school without the staff and equipment that is necessary.

In future, if a proprietor of an elementary school wishes to extend and have a secondary school, he must make a new application to the Inspector of that school. It is only in that way we can protect parents and guardians and see that they are getting for their children the education for which they pay.

Under the consolidated Ordinance the registration of teachers will be for the whole of Nigeria. Up to now a man who is registered in the South could not go and teach in a Northern school without re-registration, and the same applied to the Northern teacher coming to the South. There will now be one registration for the whole country.

There is a slight alteration in the conditions under which schools may be opened. Under the present Ordinance, in the Southern Provinces, if you wish to open a school you make an application to the Director, and if the Director does not reply within three months you can assume that consent has been granted and open your school. There are inevitably long delays between the posting of the application to open and the arrival of that application in the Assistant Director's Office at Enugu. Applications have to pass through the administrative offices to see that everything is in order in regard to the land and so on, and owing to these delays very often the school has been opened without adequate staff or buildings and, in consequence, it has had to be closed. But it is a very easy matter to open a school and a very difficult matter to close one. We are not trying in any way to restrict the opening of schools; we all know that we want more schools, but we do want them to be schools which are going to be efficient. Under the new law, the application is sent in as before, but the school may not be actually opened until the consent of the Director has been obtained and, in order to safeguard the applicant against what has been termed red tape, Government delays and so on—I believe they have been heard of in Nigeria—if the consent of the Director is not obtained within two months then the proprietor can lodge an appeal.

I think those are all the points I need deal with under the objects and reasons.

Now, since the Bill was printed, we have had meetings of the Boards of Education for the Colony and Southern Provinces and also for the Northern Provinces, and the opportunity was taken in each case of laying the Ordinance before the Boards to ask for their criticisms. In consequence certain definitions have been added, to which I have already referred, and "department of the school" was substituted for "section of the school" as being a more suitable term.

The Board has made one recommendation, with which I have every sympathy, that the minimum number of women on the Board should be two and not one as in the previous Ordinance. We want all the help we can get. Then there is the very important amendment suggested at the Southern Board. Section 12.

His Excellency :

The Honourable Member should deal with this at the Second Reading of the Bill.

The Hon. the Director of Education :

Very well, Sir, if you would rather I dealt with these amendments at a later stage, I beg to move.

The Hon. the Acting Deputy Financial Secretary :

I beg to second.

Bill read a first time.

THE TOWNSHIP LOCAL AUTHORITY SERVANTS' PROVIDENT
FUND ORDINANCE, 1942

The Hon. the Acting Deputy Financial Secretary :

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

An Ordinance to establish a Provident Fund for certain Non-Pensionable Servants of Township Local Authorities.

This Bill, Your Excellency, does no more than provide for non-pensionable employees of local authorities those benefits which already exist in the Provident Fund Ordinances for non-pensionable servants of Government and of the Railway. I think therefore that there is nothing I need say except perhaps to refer to Clause 2 (1) (b) where the minimum salary necessary to enable qualification as a depositor has been set at £1 per month instead of £2 per month as in the existing Ordinances. The reason for this change is that Government and the Railway do not employ many servants, other than those engaged on daily rates of pay, who earn less than £24 per annum, whereas in the Townships minor officials often commence their service with salaries of £12 per annum.

That I think Your Excellency is the only major difference between this Bill and the Ordinances which have already been passed. At a later stage I shall have to move two amendments which have been found necessary but which I need not mention here.

Your Excellency, I beg to move.

The Hon. H. F. M. White :

I beg to second.

Bill read a first time.

THE INCOME TAX (AMENDMENT) ORDINANCE, 1942

The Hon. the Financial Secretary :

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

An Ordinance to amend the Income Tax Ordinance, 1940.

Section 2 of the Bill Sir deals with the deduction allowable in respect of a taxpayer's wife. In considering the scheme of taxation, in order to produce the results which were described in connection with the Appropriation Bill, it was considered necessary to make some reduction in the scale of abatements, and in consequence that for a wife was proposed to be reduced from £200 to £100. The question was then raised that there are many taxpayers in Nigeria whose wives are not resident with them, and as many Honourable Members know the maintenance of one household in Nigeria and another somewhere else in the world places a very heavy drain indeed upon one's income. For that reason we have left the abatement of £200 which I may say Sir is not in itself a particularly generous one, in the case of any taxpayer who can prove that during the preceding year his wife was not resident in Nigeria.

Now Sir, the next section of the Bill does not reduce or take away, but it is a new abatement which is not allowed under the parent Ordinance, and that is an allowance for the maintenance of dependent relatives. Honourable Members may have noticed that there is no definition in the Ordinance of the term "relative", and the allowance to be made would be left to the discretion of the Commissioner of Income Tax. But in that matter Sir—I happen to be the Commissioner of Income Tax—I should base myself on the advice I would receive from my honourable and learned friend, the Attorney-General as to the legal definition of the term, as far as

a legal definition is capable of being made. The allowance for a dependent relative mounts to £100 which is as high as I think it normally goes in Income Tax Ordinances. With regard to the last proviso to this section we shall at a later stage have to propose some amendment as the present proviso is not perhaps quite as clear as is desirable.

Section 4 Sir merely brings in an allowance for adopted children.

The Schedule to the Bill I need not deal with further as I explained very fully Government's proposals as to tax rates when dealing with the Budget.

Sir, I beg to move.

The Hon. the Acting Deputy Financial Secretary :

I beg to second.

Bill read a first time.

THE LAND AND NATIVE RIGHTS (AMENDMENT) ORDINANCE, 1942

His Honour the Chief Commissioner, Northern Provinces :

Sir, in moving the first reading of this Bill, namely

An Ordinance to amend the Land and Native Rights Ordinance
it is unnecessary for me to speak at any length on the purpose of it. The objects and reasons printed at the end of the Bill are so lucid and fully informative that I can add nothing to them. But in order that no member should think that this is a theoretical matter I wish to underline two words in the first sentence of the second paragraph of the objects and reasons; those two words are "do arise". Curious unwanted situations do arise. Apart from the instance given I can quote one where it took twelve months, in spite of all the assistance we could give the unfortunate party, to enable the creditor to obtain possession of the land on which the house was situated. Other instances have appeared where there has been considerable loss to individual members of the public and a great deal of unnecessary work to officers. If this Bill is passed it will remove the cause of loss to the public and will save my very reduced staff a considerable amount of work which should be entirely unnecessary but which at present we must try and perform in order to help members of the public out of difficulties into which they have got through no fault of their own but through legislation which does not express itself clearly.

The Bill puts nothing in the way of the normal transfers, normal leases and other transactions which take place between owners and those who wish to buy or sell. The usual permission is given, except for any good reason against, and that will continue to be given.

Sir, I beg to move.

The Hon. E. S. Pembleton (Senior Resident Plateau) :

I beg to second.

Bill read a first time.

THE LIQUOR (AMENDMENT) ORDINANCE, 1942

The Hon. the Acting Attorney-General :

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

An Ordinance to amend the Liquor Ordinance.

This Bill Sir is self-explanatory. It is the usual concession and I am sure will have the support of Honourable Members.

Sir, I beg to move.

The Hon. the Acting Director of Medical Services :

I beg to second.

Bill read a first time.

THE MINERALS (AMENDMENT) ORDINANCE, 1942

The Hon. the Acting Attorney-General :

Sir, I rise to move the first reading of a Bill entitled
An Ordinance to amend the Minerals Ordinance.

There is little I have to say Sir at this stage ; the objects and reasons are set out very fully. There is only one point to which I wish to draw attention now, and that is that it is possible, under existing law, for the officer holding the inquiry, to award compensation for injury to a person not employed upon a mine where negligence is found. It is found that this should be purely a matter of civil law and should be brought into the Civil Courts, and the Workmens' Compensation Ordinance and this Ordinance provide a fairly complete code and deal entirely with relations of employer and employee and worker and employer.

Sir, I beg to move

The Hon. the Inspector of Labour :

I beg to second.

Bill read a first time.

THE FORCED LABOUR (AMENDMENT) ORDINANCE, 1942

The Hon. the Acting Attorney-General :

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

An Ordinance to amend the Forced Labour Ordinance, 1933.

Sir, this Bill is self-explanatory and its purpose is to put those persons for whom forced labour may be exacted on an equal footing with voluntary workers on the question of compensation.

Sir, I beg to move

The Hon. the Inspector of Labour :

I beg to second.

Bill read a first time.

THE LABOUR (AMENDMENT) ORDINANCE, 1942

The Hon. the Acting Attorney-General :

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

An Ordinance to amend the Labour Ordinance, 1929.

This Bill Sir, is purely a formal one and consequential on the coming into force of the Workmens' Compensation Ordinance. Under the existing provisions Your Excellency in Council may make regulations in respect of compensation in all cases. This is now unnecessary Sir, and this Bill limits that power.

Sir, I beg to move.

The Hon. the Inspector of Labour :

I beg to second.

Bill read a first time.

The Hon. the Acting Attorney-General :

Sir, I beg to give notice that all Bills read a first time to-day will be proceeded with and taken to completion at a later stage.

Council adjourned at 12.18 p.m.

APPENDIX TO FIRST DAY'S PROCEEDINGS

ADDRESS BY HIS EXCELLENCY THE OFFICER
ADMINISTERING THE GOVERNMENT

HONOURABLE MEMBERS

FINANCE

In his Budget Address of last year the Governor said that for 1940-41 there was an estimated deficit of £30,000, but he also forecast that when the accounts were finally closed it might be discovered that there was no deficit at all. He was quite right, for as many of you are no doubt aware, the final result of the year 1940-41 was the addition of some £15,400 to the surplus balances of the country. Further, this was achieved without recourse to contributions from Native Administration Reserve Funds. These amounting to £218,768, were actually collected, but when it was clear that the budget could be balanced without them they were refunded to the Native Administrations.

With regard to the year about to close I am very glad to be able to say that there is every indication that there will again be a surplus balance, which at present is estimated at some £7,000. The Estimates, as passed by this Council, provided for a deficit of £134,000, to which should be added the contribution of £215,000 from Native Administrations since this was included in the estimated Revenue. I will refer again to these contributions later in my address. The true deficit was therefore estimated at some £349,000.

There were during the year some considerable increases in revenue. Trade has been maintained on a higher level than could be foreseen when the Estimates were framed, and the result is an estimated increase of over £400,000 in receipts from customs and excise. Substantial increases are also derived from direct taxes in consequence of the raising of some rates last September (£116,700), and from Marine and Harbour receipts (£51,000). Altogether the revenue received during the year should exceed the original estimate by some £557,000, without taking the Native Authorities contributions into account.

Expenditure in excess of the original estimate should be about £201,000, of which some £82,000 is on account of war measures. The net favourable change is therefore estimated at £356,000, which converts the deficit originally estimated at £349,000 into a surplus of £7,000.

Present prospects are then that the 1941-42 budget will balance without the aid of contributions from the Native Administrations. Should this forecast prove to be accurate it is the intention of Government to refund these contributions to the Native Administrations, and thus for the second year in succession this Government will have provided for its needs without drawing either on its own reserves or on those of the Native Administrations.

The Financial Secretary's Memorandum accompanying the Draft Estimates for 1942-43 explains these in detail, and provides a statement of the general principles upon which they have been framed, so I will in this Address confine myself to a few remarks on the more important points.

The Estimates allow for a small deficit of £7,850, and for the first time since the scheme was adopted, the financial position is such that the contribution from Native Administration Reserves need not be formally included in the Estimates at the beginning of the year. The increasing demand for Nigeria's primary products is expected to continue and you will see that a net increase of £421,800 in customs duties, derived mainly from export duties and the excise duties on cigarettes, is anticipated. Similarly, increases of

£83,600 and £55,600 respectively are allowed for under the 'Marine and Harbour' and 'Colliery' Heads.

For import duties however the estimate, £1,725,000, is £250,000 below the revised estimate for the current year, a figure which it is considered provides a reasonable margin to cover reductions due to restricted imports. Companies' tax is expected to produce £140,000 more than the 1941-42 estimate, due to the improvement in trading conditions. You will be asked at this Session to pass an amendment to the Income Tax law raising the rates on incomes above £300 for a single man and above £500 for a married man. The additional yield, estimated at £25,000, is to be lent to His Majesty's Government free of interest for the duration of the war. An increase of £50,000 from royalties on tin, of which only one-half accrues to Government, reflects the increased production required by the war situation.

The increase of £450,110 in the estimated expenditure for 1942-43 over the approved estimates for 1941-42 is fully explained in the Financial Secretary's memorandum accompanying the Estimates and I am satisfied that this substantial increase is justified by the rise in prices and expansion of services essential for the maintenance and intensification of the Colony's war effort. The figure would be considerably less had not Government considered that the revision of salary scales of African employees in the lower grades and the raising of the minimum wage rate for labourers should be proceeded with in spite of war conditions. The improvement in the ratio of first class to second and third class clerks and of the higher to the lower grades in the technical branches, and the transfer of large numbers of the lower subordinate staff to the establishment, in order that they may enjoy the benefits of the Provident Fund, have also involved considerable additional expenditure. Provision has also been made for the payment of a cost of living bonus to employees in the lower grades. The contribution to the Marine Renewals Fund has been shown as £10,000 but it is the intention of Government to make this up to the full figure of £70,000 later in the year should the finances so allow.

With regard to Railway finance I am glad to be able to report a substantial improvement in the course of the year due in the main to the improvement in trading conditions. When Sir Bernard Bourdillon last addressed you on this matter the revised estimated deficit for the year 1940-41 was put at £161,000: this deficit has been converted into a surplus of £223,230 and the revised estimated surplus for the current year is £678,660. In the 1942-43 Railway draft Estimates the surplus is estimated at £261,080. In his address to you a year ago Sir Bernard suggested that the rate of contribution to the Renewals Fund should be the subject of investigation. This investigation has been made and with the approval of the Secretary of State the annual contribution to the Fund has been reduced from £430,000 to £300,000 per annum with effect from the 1st of April, 1939. This reduction and the Government subvention of £200,000 must be borne in mind in assessing the results quoted above, satisfactory though they are. The details of the Railway draft Estimates for 1942-43 are explained in the General Manager's memorandum. Improved conditions of service of African staff and the cost of living bonus account for much of the increase in recurrent expenditure. The increases in passenger fares recently announced are designed primarily to restrict the use of the Railway, all available rolling stock being needed for essential transport in connection with the war effort.

COLONIAL DEVELOPMENT

In his Budget Address a year ago the Governor said that it was the intention of His Majesty's Government to implement the new Colonial development

policy after the war, if not sooner, and since then you will all have read the Secretary of State's very important despatch of the 5th of June, 1941, which was published in the *Nigeria Gazette* on the 15th of August. The Secretary of State attaches particular importance to the development of local production and, since he considers that the rate of progress in post-war reconstruction will depend on the adequacy of the subordinate staff, to the training of local personnel; and he gave a strong indication that financial aid from the United Kingdom would be available in cases of need. I will therefore give you a brief outline of what Government has undertaken and will undertake in these matters.

The Agricultural School and the Forest School are now well under way, and immediate expansion is not a matter of urgency. A Veterinary School has been under consideration for some time and will be opened on a small scale shortly. A grant of some £30,000 however is being provided from the United Kingdom for the expansion of this school as soon as possible. I need hardly describe to you the Medical Schools, but a scheme for the improved and extended training of health workers is now being devised.

A most important scheme for the training of African staff in the Nigerian Railway is also about to be inaugurated. The broad outlines of it were published in the *Gazette* on the 26th of February and I will not elaborate further at this stage.

A grant of £4,150 for the erection of a Pilot Sawmill in Ondo Province was received during the year. The main object of this is to train African operatives and so promote an African enterprise of sawmilling. The Secretary of State has intimated that an application for some £70,000 for a housing scheme for Colliery employees at Enugu will receive favourable consideration.

SUPPLY

Honourable Members will know of the existence of the Nigeria Supply Board, and I should like here to give you a brief outline of the circumstances that led to the formation of this Board a short time ago and some idea of its functions.

The development of the war has emphasised the increasingly vital role of production and supplies. On the one hand Nigeria must increase the production of raw materials to the maximum and on the other must reduce the consumption of imported goods. This can only be done by detailed planning and control.

In normal times the export of raw materials and the import of manufactured goods are left to commercial interests and are governed by the normal laws of supply and demand. Although Government is always in close touch with trade generally its function in peace time is rather that of one holding a watching brief. In present circumstances the position is very different; our raw products are now vital to the war effort. Similarly in regard to imported goods: these are now in short supply and those which are used in connexion with the production programme, such as motor lorries, must not only be conserved but must be distributed in such a way as to ensure that they are used to the best advantage. It is therefore necessary that Government should exercise a far greater measure of control both of production of raw materials and the distribution of imported goods.

It will be appreciated that the machinery required for the holding of a watching brief is very different from that needed to exercise control and direction, and it is with the object of directing trade and transport that the Nigeria Supply Board has been formed. In these times speed is essential; decisions must be made and policy settled expeditiously.

The Nigeria Supply Board will I hope achieve this. On the Board are all those who are concerned with production and supply. If any important

question arises members can be assembled quickly to discuss it and can dispose of it either by executive action or by submitting a recommendation to Government.

In addition to special departments for the organising of Production and Supply, war economy and conditions have led to the establishment of another department, that of Control. In November better provision for this was made by the appointment of a full-time Food Controller with a staff of his own. This officer works in close co-operation with the Director of Food Production and Supply, and also performs the similar though distinct functions of Controller of Merchandise Prices.

I will now give you some idea of what has been achieved during the year in production and supply. The policy laid down by the Governor in his Address to this Council a year ago has been vigorously pursued, and world events of the last few months have more than justified it. No effort has been spared to ensure that our exports, required by the United Kingdom and our own demands for foodstuffs and products of local industry have been met as far as possible.

The volume of our main export crops has been well maintained but there has been a fall in the export of groundnuts which was entirely due to unfavourable weather conditions in the Northern Provinces. The Secretary of State has made it clear that the demands of the war call for the maximum possible production of palm kernels, palm oil, groundnuts, beniseed, ghee, rubber and tin. His Majesty's Government has again undertaken to purchase the whole of the cocoa crop.

The loss of Malaya as a source of supply necessitates that Nigeria should produce every ounce of rubber it can. Years ago there was a considerable export of wild rubber which must be revived. Most of the wild plants and trees which produced rubber in those days are still in existence and I ask the Honourable the Unofficial African Members to use all their influence to resuscitate the wild rubber industry.

The same unfavourable weather which caused a reduction of the groundnut crop also caused a reduction in the yield of the staple corn crops in the Northern Provinces and this together with increased demands for corn from both the military and the mines provided an excellent opportunity for that thoroughly bad member of society—the profiteer. As a result there was a shortage of corn in the markets and prices were beginning to rise rapidly. Government has taken strong action to deal with this situation and there is already evidence that the action taken has been effective. It is probable that similar steps will have to be taken to deal with profiteering in rice. The production and marketing of all other food crops was entirely satisfactory.

It was pointed out in the Governor's Address last year that Nigeria had become self-supporting in rice, and that we had been able to export rice to the Gambia. During the year no effort has been spared to encourage increased production of rice in all areas where it can be successfully grown. The results have been most satisfactory. No less than 1,200 tons were supplied to the Army from Abeokuta area alone, there is every sign of increased interest in rice in the Benin Province and production is also increasing in the Onitsha area. The main rice growing areas are at present situated in the Northern Provinces and here production has also shown a striking increase. It is estimated that some 3,000 tons will be available to meet army or export requirements. Experiments with small rice mills indicate that there is real scope for the development of a new African industry.

During 1941 the Veterinary Department's dairies at Jos and Vom produced 168,000 lbs of butter, and the Kano Native Administration dairy 41,000 lbs making a total output of 209,000 lbs. This will certainly be increased to

between 300,000 and 350,000 lbs in 1942. The Veterinary Department has also organised further units for the production of clarified butter fat. Successful schemes for the regular supply of fresh milk, which have been organised by the Agricultural Department, are operating at Kano, Zaria, Gusau, Maidugari, etc., in the Northern Provinces. The Kano scheme provided 48,000 bottles of milk in 1941 and the Zaria scheme now supplies eighty bottles of milk and fourteen pints of cream daily. The Lagos dairy, which has now been taken over by the Government and is being run in conjunction with the Government Stock Farm at Shika, is gradually being enlarged and every effort is being made to reduce the cost of the milk. There is every indication that this will develop into a very successful enterprise. The Ibadan scheme, which is also operating well, will be enlarged to meet the increase in the demand for milk as soon as circumstances permit. Milk schemes on a small scale have been started at Benin and Nkwele.

The Government's wheat buying scheme resulted in the purchase of 300 tons of wheat. The scheme is to be continued and it is hoped that purchases in 1942 will be considerably greater than in 1941. The wheat purchased is being sold to local millers, most of whom are Africans, and to the Army. The flour mill erected by the Government at Kano is now working satisfactorily. It is being operated by the Lisabi Mills and is capable of producing from two and a half to three tons of flour per day.

Production of potatoes in 1941 amounted to 700 tons, of which 570 tons were railed to the Southern Provinces. The main producing areas were the Plateau and Zaria, but Katsina and Bauchi are also promising areas, particularly for the production of dry season potatoes. This is important as it will help to solve the problem of even distribution throughout the year.

There has also been a continued expansion of the onion industry. All local military requirements were met and a few consignments were exported. Actual railments from stations in the Northern Provinces amounted to 1,500 tons between January and September, 1941.

During 1941, the production of brown sugar increased from 100 to 200 tons. The greater part of this was produced in the Zaria Province and it is entirely a village industry. The arrival, a few weeks ago, of sixty new crushers will result in a further big increase in production in 1942-43. If worked to full capacity, the crushers now in the country are capable of producing 900 tons of sugar. The quality of the sugar has shown a continuous improvement, and it finds a ready market among the poorer people in the large towns such as Kano. The Army is also buying a considerable quantity, but it is not yet generally popular among Europeans and the more wealthy Africans, who prefer the imported white sugar.

The production of fruit juices at Abeokuta which commenced in July, 1940, at the rate of twenty bottles per month had increased to 1,000 bottles per month by September, 1941. The Agege Farmers Co-operative Society also produces up to thirty gallons per day, depending upon the quantity of fruit available. Production of jam and marmalade has risen from forty-five lbs. in September, 1940, to 1,900 lbs. in August, 1941. Between January and November, 1941, 856 tons of fruit were railed from the Eastern Provinces to the Northern Provinces. This is double the quantity railed during the same period in 1940. There was also an increase in the quantity of kolas railed to the Northern Provinces. Railings rose from 24,000 tons in 1940 to 35,000 tons in 1941.

The production of fresh vegetables is of course subject to seasonal fluctuations but on the whole supplies have been adequate. Although it has been necessary for the Government or Native Administration to run vegetable gardens in some places, by far the greater proportion of the total production

is by African market gardeners. Every encouragement is being given to these market gardeners and an Agricultural Officer has been detailed for this work. He is at present stationed at Kano with the object of developing the production of vegetables in the dry season. An irrigation farm has been started on the Plateau for producing vegetables and vegetable seeds. Eleven acres were opened in 1941-42 and this will be increased to fifty acres next dry season.

Reserve herds of cattle are maintained for the Army on the Veterinary Department's farm at Vom and on the Agricultural Department's farms at Samaru and Daudawa. These cattle are being specially fattened and the costings of the scheme show that the Army is obtaining prime beef at a lower cost than they can obtain low quality beef by buying their cattle in the open market. In addition to the reserve herds 100 fat animals per month are supplied to the Army at Zaria from Samaru and the Veterinary Department supplies meat to the Lagos Cold Store. The Daudawa farm alone had, by the end of December, supplied the Army with ninety tons of prime beef. Mixed farmers are taking an active part in this scheme for supplying the Army with fat beasts, greatly to their own advantage.

The demand for bacon and fresh pork from both the Army and the civil population has necessitated a very big scheme for the production of pigs. In addition to the Veterinary Department's activities at Vom, Government piggeries have been established at six centres, and every effort is being made to reach a production of 300 carcasses per month by the end of 1942. In order to expand the industry as quickly as possible the scheme is being run entirely by the Government but the industry offers scope for African enterprise and this is being encouraged.

The production of split peas, a promising new industry, is being developed in the Gusau area, and the production of ginger in Southern Zaria has been maintained. An attempt is being made to develop the production of honey.

A series of experiments to ascertain whether fuller use could be made of bullock transport in the evacuation of export crops in the Northern Provinces have given promising results and further developments are under consideration. A comprehensive experiment to test the value of locally made castor oil as a lubricant for motor vehicles is at present in progress. A considerable amount of work has been done in an attempt to make fuller use of castor oil as an illuminant, but so far we have not been able to devise a suitable lamp.

The development of the rope and twine industry has been most encouraging. In the Bida area alone 370,000 yards of rope, 47,000 hanks of bagging twine and 18,000 hanks of netting twine were produced in 1941. A similar development is now taking place in the Bauchi Province which is also specialising in the production of tin ore bags for the Plateau. 10,000 of these bags to the value of £313 have been supplied during the last few months. The Bida netting twine is being manufactured into camouflage nets by the fishermen at Apese Beach. The development of the potato and onion trades has given an impetus to the basket making industry and excellent types are now being produced. The export of Anaphe silk has been revived.

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.

This review of production and supply will, I hope, give you a picture of the year's work, and it is gratifying to be able to record that, due to the increased output of foodstuffs and other local products, together with careful scrutiny of our imports and the deleting of non-essential items, our import value figure per head of population is one of the lowest in the Empire. I need

hardly stress the value of this : it means that more manufactured articles are available for our friends and co-workers in the United Kingdom, and that valuable shipping space is released for essential war materials and supplies.

But much more remains to be done, and we must not be content with self-congratulation. During the next few critical months there is work, and more work, for every person in Nigeria, and our slogan must be "More, and still more production." We want more food, and more products of local industries so that we can supply both the civil population and the military. Nigeria with its vast area, its variations of soil and climate and its great population, must produce its maximum. On the export side we want more palm oil, more kernels, more groundnuts, more tin : everyone must make greater efforts to secure increased output and must work longer hours. The factories in England want raw materials : we must supply them. We must also be prepared for greater sacrifices. Many types of imported goods will be scarce, and such as are available will be mainly reserved for essential production needs. For example the limited supplies of new bicycles available will mostly be sent to the Eastern Provinces where they are needed for the transport of palm oil ; lorries carrying export products and food supplies will receive preference under the scheme for controlling the distribution of motor tyres ; passenger services will inevitably be curtailed. Instances such as these can be multiplied. In a word we must increase our work and curtail our pleasures ; we must realise that this war will only be won if everyone of us makes his maximum effort and accepts cheerfully any sacrifices which he is called on to make.

LABOUR, COST OF LIVING AND STAFF CONDITIONS

I now turn to related matters in which much public interest has been focussed recently, namely Labour, Cost of Living and staff conditions, and I propose to give you an outline of what Government has in hand at the moment and intends to do in the future.

Though war conditions have greatly increased the work of the Labour Inspectorate, slow but steady progress has continued to be made, particularly in the direction of the implementation of the recommendations made by the Labour Adviser to the Secretary of State, whose report on his visit to West Africa in 1940 was recently published.

The most striking feature in the field of labour has been the rapid growth of trade unionism among all classes of workers ; thirty-two unions having been registered during the past twelve months. I welcome this evidence of a progressive spirit amongst the wage-earning community and particularly the emphasis laid by the trade union leaders on the need for increased individual efficiency and for co-operation with employers. A great responsibility to the community rests with the leaders and I hope that they will always bear this in mind.

A number of improvements have been made in the conditions of artisans and labourers. Those in Government employment, for instance, have a forty-five hour week with pay for holidays, and there has been conversion of daily wage rates to standard scales and provision of full pay for sick leave for persons on daily rates of pay. For technical and clerical workers, the minimum salary of the standard scale has been raised to £48 per annum.

The enactment of the Workmen's Compensation Ordinance, which will come into force on the 1st of April establishes in Nigeria the principle of employers' liability in respect of death or injury sustained by workmen in the course of their employment and represents an important step forward in social legislation.

Welfare and the working conditions of workers generally have received considerable attention, and practical measures in this connection include the appointment as Railway Welfare Officer of an experienced trade unionist from the United Kingdom, and the secondment as Welfare Officer for Lagos of Mr D. E. Faulkner of the Prisons Department, who has specialized knowledge of the treatment of juvenile delinquents and experience of general welfare work. He will be attached to the Labour Inspectorate, working in close collaboration with the local administration.

Further improvements in labour conditions at the Enugu Colliery have been made and work has started on a housing scheme which will provide accommodation on modern lines for the whole of the normal labour force. To enable the scheme to be carried out, assistance is being sought under the provisions of the Colonial Welfare and Development Act, 1940. The housing of other Government worker is also being reviewed though wartime conditions restrict the scope of the action that can be taken.

On the whole labour relations with employers may be said to have withstood the strain imposed by two and a half years of war. I rely on those responsible for the maintenance of good industrial relations to continue to do their utmost in this direction.

You are not doubt aware of the Cost of Living Committee which is at the moment sitting in Lagos under the Chairmanship of the Commissioner of the Colony. There have been some broadcasts on the subject and it is a matter of interest to all. One of the effects of the present war is a rise in prices: there is nothing astonishing in this, for it will take place in any period of intense economic activity whether caused by war or not, but it can hit hard at persons with fixed incomes. This Committee therefore is to examine the adequacy of, firstly, the rates of pay of labour in Lagos whether employed by Government or not, and, secondly, the rates of pay of all African Government Servants and employees generally. It will recommend to Government whether or not a temporary increase, by means of a bonus or other addition to pay, should be made, and whether any other forms of relief are desirable and possible.

The first task of the Committee is to calculate what is called a "cost of living index figure" for each class of the community. This in brief is a figure that will show, as a percentage, the effects of the war upon the economic position of the class in question. It will then be possible to compute and express future movements in the cost of living as changes in these index figures; and, eventually, the periodical publication of the changing index figures will afford a guide to the general public on the movements in the cost of living in Lagos.

I need hardly elaborate on the magnitude, or the importance, of this work which represents, I should like to record, the first occasion on which cost of living index has been calculated in this country. The Inspector of Labour, appointed as a Member and as Secretary of the Committee has made a study of the technique evolved by the Ministry of Labour in Great Britain and by the Labour Departments of certain other Colonies; and much of the work has been apportioned to two sub-Committees, of which the First Lagos Member and Mr W. H. Biney are the Chairmen. It is hoped that the cost of living inquiry will be completed before the end of next month, and that the Committee's report will be available shortly afterwards.

In the meantime, since it is certain that some relief is necessary, Government has taken steps in regard to its own employees and labour. The findings of the Committee have been anticipated to the extent of granting a bonus of 3d a day to all employees, whether pensionable or not, whose annual earnings with the bonus included do not exceed £48. This has been

with effect from the 1st of October, 1941, and has been extended to the rest of the Colony and to the Western and Eastern Provinces of the Protectorate.

I will conclude this section by adding that the claims of Europeans in the service of Government on the lower grades of salaries for relief from undue burdens imposed by the war conditions are under consideration.

DEPARTMENTAL

I have in the above paragraphs touched on the work of several of the departments of Government. I do not think that there is much more that need be said on the Agricultural, Customs, and Veterinary Departments, but I will, to complete the picture of the work performed by Government, make short mention of items of interest in connection with the work of other departments. Before doing so I should like first of all to pay a tribute to all departments for the work they are carrying out under considerable difficulty in these wartime conditions. They have been given increased duties and responsibilities, which they have been compelled to discharge not only with a reduced staff—and in some these reductions have been truly severe—but also with a greatly decreased supply of materials and equipment. I would mention here particularly the Police, because the absence of outstanding events in that department, which fact is in itself a tribute, means that they would not otherwise be mentioned in this Address.

In Aviation, improvements to the Apapa Airport continue with the help of a grant of £15,000 from United Kingdom Funds. The Meteorological Service, which I should like Honourable Members to realise is one deserving of more publicity that it receives, for upon it are dependent the safety of aircraft and the lives of passengers, has been extended by the recruitment and training of African observers.

In Education an important development during the year has been the adjustment as from the 1st of January, 1941, of the salaries of certificated Mission teachers to the scale recommended by the Board of Education in 1937, and the restoration of the salary cuts imposed during the four years of 1937 to 1940, which were made possible by an increase of £26,000 in the total grants-in-aid.

The new Forest School at Ibadan was opened by the Governor on the 1st of May, 1941, and has made an encouraging start.

The merger of Marine and Port activities in the former department, as referred to last year, has proved to be a sound and economical arrangement. The loss of the dredger *Robert Hughes* and the plans for her replacement have led to reconsideration of the dredging programme, which must be directed not only to the maintaining of the present draught of Lagos harbour but also to improving still further the facilities for shipping.

In the Medical field I should like to draw your attention to the very encouraging advances in leprosy control. In actual statistics the year may not display unusual results, but good foundations have been laid, and in the Eastern Provinces not only the sufferers but also the chiefs and communities have made exceptional efforts to co-operate in the treatment. If this can be sustained, there is every possibility of complete control of the disease in certain areas. At Yaba a special ward for the treatment of tuberculosis cases is in the course of erection. A Nigerian Field Ambulance, staffed by the Medical Department, took part in the East Africa campaign, and a second is in the course of training.

INFORMATION OFFICE

The Information Office, now firmly established, has increased its scope and activities during the year. In addition to the material received from

outside sources, it distributes on a wide scale printed matter prepared locally. Reading rooms and libraries have been opened throughout the country and, while their primary object has been to convey to the public war news and views, it is clear that they will play an important part in post-war development. The Nigerian public is fast becoming a reading public no longer solely concerned with its local problems, but conscious of its place in the Empire and in the world.

The Radio Distribution Service has been a success in Lagos, and the listening public is growing in numbers and discrimination. A four-year scheme for the development of the service has been settled and work has already started at Ibadan and Abeokuta. Further extensions will follow, and it may confidently be expected that the radio will, in the near future, become an important instrument in the formation and development of public opinion throughout the country. In its function as a publicity organ the Information Office has assisted in the Nigerian Savings Certificates campaign, in recruiting, and in stimulating the war effort generally.

COLONY

A distressing loss of life occurred when the launch *Iyalode IV* sank on her way to Lagos from Ikorodu. Thirty-nine persons are known to have died and a further thirty-eight are missing. The accident is the subject of an inquiry and until that is concluded it is not possible to give further information or say what measures can be taken to prevent similar accidents in the future.

The extended franchise created by the Lagos Township Ordinance, 1941 was not taken advantage of. It is estimated that about 6,000 persons are entitled to exercise the vote, but only 960 have registered as electors.

NATIVE AFFAIRS

The shortage of Administrative Staff, due to the large proportion of officers serving in the Forces, and the increasing attention which those who remain have to devote to various measures connected with the war have, I fear, slowed down development in administrative affairs. Some progress has however been achieved, notably in the reconstitution of the Egba and Ilesha Councils, which now provide far wider representation of the various elements in the communities concerned. A number of Native Courts, particularly in the Eastern Provinces, have also been re-organized.

Chiefs throughout the country have, by their own personal example and by their efforts in organizing entertainments and other functions, been tireless in their support of war charities, and the high figures given in the next paragraph are in no small measure due to them. I look forward to even greater efforts in the coming year.

WAR FUNDS

The Win-the-War Fund has now reached £100,000, and the Nigerian War Relief Fund is not much behind with over £70,000. Altogether, private subscriptions to the various war funds now total over £184,000, about £73,000 of which was collected during the last twelve months. Interest free loans have risen during this period from £9,000 to £17,400. Nigerian Saving Certificates to a total of £215,000 have been sold since their inception in January of last year.

NIGERIAN TROOPS

I am very glad to inform Honourable Members that continued good reports are received from the Military on the Nigerians now serving with the Forces. Of the fine record of the Nigerian Brigade which went overseas to fight you

are all familiar, and those who are now being recruited and trained in this country are not inferior. They are proving themselves very adaptable and quick to learn, and their extreme keenness and cheerfulness under all conditions is most noticeable; in particular those trained as motor drivers achieve a high standard in a very short time. I am proud, as I am sure we all are, of the part that Nigerian manhood is playing in the fight for freedom.

My Address has dealt almost entirely with matters affecting Nigeria. I have been able to report a reasonably successful twelve months. Financially it has turned out better than was anticipated a year ago, and we have continued to make some progress particularly in the matter of local production of foodstuffs. We are also able to look forward with reasonable confidence to a balanced Budget and continued progress next year. But we must remember that Nigeria is an integral part of the British Empire: she stands or falls with that Empire. Everything must be subordinated to the war effort, even though it may adversely affect our revenues, our social services, our businesses or our private lives. I am confident that in this I have the full support of all Honourable Members.



Debates in the Legislative Council of Nigeria

Tuesday, 17th March, 1942

Pursuant to notice the Honourable the Members of the
Legislative Council met in the Council Chamber, Lagos,
at 10 a.m. on Tuesday, the 17th of March, 1942

PRESENT

OFFICIALS

- The Officer Administering the Government,
His Excellency Sir Alan Burns, K.C.M.G.
- The Chief Secretary to the Government,
The Honourable A. W. G. H. Grantham, C.M.G.
- The Chief Commissioner, Northern Provinces,
His Honour T. S. Adams, C.M.G.
- The Chief Commissioner, Eastern Provinces,
His Honour G. G. Shute, C.M.G.
- The Acting Attorney-General.
The Honourable G. L. Howe.
- The Financial Secretary,
The Honourable C. R. Lockhart, C.B.E.
- The Acting Director of Medical Services,
Dr. the Honourable G. B. Walker.
- The Director of Education,
The Honourable E. G. Morris, 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, Plateau Province,
The Honourable E. S. Pembleton, C.M.G.
- The Senior Resident, Oyo Province,
The Honourable H. F. M. White.
- The Senior Resident, Owerri Province,
The Honourable F. B. Carr.
- The Resident, Benue Province,
The Honourable D. M. H. Beck, 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 J. J. Emberton, M.C.,
(Extraordinary Member).
- Captain the Honourable E. A. Miller,
Acting Deputy Financial Secretary (Extraordinary Member).
- The Honourable G. B. Williams, M.C.,
Commissioner of the Colony (Extraordinary Member).
- The Honourable C. H. Croasdale,
Inspector of Labour (Extraordinary Member).

UNOFFICIALS

- The Member for the Ibo Division,
The Honourable B. O.-E. Amobi.
- The Member for the Rivers Division,
The Honourable S. B. Rhodes.
- The Member for the Warri Division,
The Honourable A. Egbe.
- The Member for the Oyo Division,
The Honourable N. D. Oyerinde.
- The Banking Member,
The Honourable D. D. Gibb.
- The Member for Calabar,
The Revd. 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,
Lieut.-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 Third Lagos Member,
The Honourable Ernest Ikoli.
- The Member for Shipping,
The Honourable G. H. Avezathe.
- The Member for the Colony Division,
The Revd. and Honourable T. A. J. Ogunbiyi.
- The Member for the Egba Division,
The Honourable Olaseni Moore.
- The Member for the Ondo Division,
The Revd. and Honourable Canon M. C. Adeyemi.

- The Member for the Cameroons Division,
The Honourable J. Manga Williams.
- The Commercial Member for Calabar,
The Honourable W. V. Wootton.
- The Commercial Member for Lagos (Provisional),
The Honourable E. H. L. Richardson.
- The Commercial Member for Port Harcourt (Provisional).
The Honourable F. Edmondson.

ABSENT

OFFICIALS

- The Chief Commissioner, Western Provinces,
His Honour G. C. Whiteley, C.M.G.
- The Senior Resident, Cameroons Province,
The Honourable A. E. F. Murray.
- The Senior Resident, Kano Province,
The Honourable J. R. Patterson, C.M.G.
- The Senior Resident, Sokoto Province,
Commander the Honourable J. H. Carrow, D.S.C., R.N.
- The Resident, Katsina Province,
The Honourable R. L. Payne.
- The Resident, Adamawa Province,
Captain the Honourable E. W. Thompstone, M.C.
- The Resident, Zaria Province,
The Honourable F. M. Noad.

Prayers

His Excellency the Officer Administering the Government opened the proceedings of the Council with prayers.

Confirmation of Minutes

The Minutes of the meeting held on the 16th March, 1942, having been printed and circulated to Honourable Members were taken as read and confirmed.

Questions

Note.—Replies to Question No. 1 (Question No. 2 of the 17th of March, 1941) by the Honourable the Member for the Warri Division, Question No. 47 by the Honourable the Third Lagos Member, Questions Nos. 52, 53, 54 and 55 by the Honourable the Member for Calabar, Questions Nos. 56 and 57 by the Honourable the Member for the Oyo Division, Questions Nos. 59, and 61-70 by the Honourable the Third Lagos Member, Questions Nos. 71, 74, 75 and 80 by the Honourable the Member for the Ibo Division, Questions Nos. 81, 82, 85 and 86 by the Honourable the Member for the Ijebu Division of the 16th of March, 1942, are not yet ready.

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

1. (*Question No. 48 of the 16th of March, 1942.*) To ask how many Senior District Officers are at present available for service in Nigeria and how many Assistant District Officers are at present in sole charge of important Administrative Divisions ?

Answer—

The Hon. the Chief Secretary to the Government :

Twelve Senior District Officers are at present available for service in Nigeria.

It is not possible to classify Administrative Divisions as important or otherwise but Assistant District Officers are at present in sole charge of four divisions.

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

2. (*Question No. 79 of the 16th of March, 1942*). (a) What are the prospects of a holder of the Licentiate of the Nigerian School of Medicines wishing to pursue a further course of study in a British University, by way of reduction in the number of years and subjects, if he is ambitious and capable ?

(b) Why are the holders of this diploma not allowed private practices while in the service ?

Answer—

The Hon. the Director of Medical Services :

(a) At present none, Sir. It was hoped that after Sir Richard Needham's visit it would be possible to arrange that a representative from a teaching school in the United Kingdom should attend during examinations, but owing to the war this has not yet been found possible. Following the recent visit of the Assistant Medical Adviser to the Colonial Office, it has been decided to put forward a scheme designed to raise the standard of training, in order that the diploma may receive recognition from the General Medical Council as a registrable qualification. It should then be possible for local licentiates to obtain post-graduate qualifications in the United Kingdom.

(b) Private practice is not permitted in accordance with the principle laid down in paragraph 8 at page 11 of Sessional Paper No. 19 of 1935. Furthermore, it was stated at the Medical Conference held in 1938 that the private practice of serving Medical Officers was steadily decreasing and it was then agreed that the aim should be its eventual total abolition.

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

3. (*Question No. 83 of the 16th of March, 1942*). (a) Now that the present war has rendered quicker communication between one Province and another a matter of vital necessity, what is Government doing to consider the past repeated request of Ijebu Remo people to extend telegraph facilities to their district in Ijebu Province ?

(b) Which is the more expensive, a Trunk Telephone Service or a Telegraph Service, if either is to be extended from Ijebu-Ode to Ijebu Remo District, a distance of between twenty-two to twenty-six miles ?

(c) Is Government ever thinking of extending these two amenities to Ijebu Remo ?

Answer—

The Hon. the Chief Secretary to the Government :

(a) and (c) It is proposed to extend Telephone and Telegraph facilities throughout Nigeria including Ijebu Remo, but at present all extensions are suspended as the materials and equipment cannot be obtained.

(b) All extensions provide both telephone and telegraph facilities, the same wires being used for the two.

BILLS

THE 1942-43 APPROPRIATION ORDINANCE, 1942

The Hon. the Financial Secretary :

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

An Ordinance to appropriate the sum of nine million, eight hundred and ninety thousand, five hundred pounds to the service of the year ending the 31st day of March, 1943.

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

Your Excellency, I think the first part of my duty this morning, as is customary to natives of Nigeria, is to say welcome to Your Excellency and also to welcome the new Chief Secretary and the new Financial Secretary, and to assure them that we shall do all in our power to co-operate with them in the hard task they have before them.

Secondly, I wish to assure Your Excellency that our loyalty to His Majesty is still the same ; it is unshaken, and we can assure you that by the Grace of God we are what we are. Your Excellency, we are all aware of the difficulties that confront Great Britain at the moment and we share them. When we are called upon to supply man power, we do so wholeheartedly, and from the various contributions we have given, I am sure that Government appreciates we are doing the best we can. Furthermore, Your Excellency, we are not satisfied with what we have done ; we still feel that we should do more if we have the means of doing so, and I can assure you that whenever we are called upon to give every assistance possible to win this war we, the people of Nigeria, will rally round the British Government. In the East it has been very easy. I remember some time ago when we were called upon to supply labour ; within a few minutes there was a large crowd outside the office of the District Officer at Onitsha and they stood there without wanting to know how much they would be paid. But one little thing, Your Excellency, I wish to point out is that life varies amongst the natives. The life of the Easterner is entirely different from the life of the Northern man and the life of the Western man is entirely different from that of the Eastern man and they need different treatments while they are serving in the forces. They need to be encouraged and not discouraged, because the treatment meted to one man may kill the spirit of another.

Your Excellency, so far as the Budget is concerned, I am really sorry that I did not see this earlier. Copies of the Estimates were handed to some of the provisional members on arriving here, and consequently there has not been sufficient time to study them. It is an elaborate preparation, a preparation which must have taken months to get up. How they expect us to rush through it in a day beats me. I don't know whether Your Excellency would consider an adjournment so that members on this side who have not seen the Estimates in time would be given an opportunity to study them carefully. Many times the Press and public opinions have said that we have not done that which they expect us to do. And in a case of this nature I am sure that if we should rush through it all they will say to us is " why didn't you ask for an adjournment." I think it is my duty this morning to ask Your Excellency for an adjournment so that we may be able to read through the Estimates carefully, study them, and possibly to give them necessary criticism. I have other matters to put before Your Excellency, but in view of my request I do not know whether I should continue.

His Excellency :

I do not think you would wish Honourable Members to postpone this meeting. A lot of members have come distances, and it would be most regrettable from their point of view and ours that we should delay much longer. There will be an opportunity for Honourable Members to look at the Estimates before they go into Finance Committee at the end of the debate. If it is the wish of Honourable Members to consider some of the other Bills before us now and take the Estimates afterwards I have no objection. What is the feeling of Unofficial Members ?

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

Your Excellency it has been done before. It would be impossible to debate on the Estimates without studying them. I only got my copy five minutes ago and the Railway Estimates only yesterday.

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

Your Excellency, I got my copy on Saturday morning and I therefore think I am not in a position to do justice to this line of criticism.

The Commercial Member for Lagos (The Hon. E. H. L. Richardson) :

Your Excellency, I would like to oppose the proposal to postpone this Bill. We certainly want a few days to examine the Bill but I think the House should proceed with the examination of these Estimates. I am fairly sure there are a few members who have found time to examine these Estimates and they can speak. Those who have not examined the Estimates can speak tomorrow or the next day.

His Excellency :

I appreciate the difficulty of Honourable Members who have only just seen the Estimates, and I think the best plan would be for us to proceed with the other Bills before us and go on with the Estimates either this afternoon or tomorrow morning if time permits. I regret that Honourable Members have only just seen the Estimates, but they will no doubt appreciate there is a lot doing at the present time and it is not always possible to get things out as quickly as we would like.

The Commercial Member for Lagos (The Hon. E. H. L. Richardson) :

I would like to ask if the Customs Bill and the Income Tax Bill could be discussed at a later date.

The Hon. the Financial Secretary :

Your Excellency, in view of the remarks of Honourable Members I beg to withdraw the motion.

His Excellency :

I propose, if Honourable Members agree, that we should defer the question of the second reading of the Appropriation Bill until a later date. The Financial Secretary will now move the second reading of the Supplementary Appropriation Ordinance.

THE 1940-41 SUPPLEMENTARY APPROPRIATION ORDINANCE, 1942

The Hon. the Financial Secretary :

Your Excellency, 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 31st day of March, 1941.

The Hon. J. J. Emberton, M.C. (Extraordinary Member) :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clause 1.

First, Second and Third Schedules.

Clause 2

Preamble.

Title.

The Hon. the Financial Secretary :

Your Excellency, 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.

Bill read a third time and passed.

His Excellency :

With the permission of the Council we will defer the second reading of the Customs Ordinance.

THE EDUCATION ORDINANCE, 1942

The Hon. the Director of Education :

Your Excellency, I beg to move the second reading of a Bill entitled
An Ordinance to make better Provision in regard to Education in Nigeria.

The Hon. the Acting Deputy Financial Secretary :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clause 1.

Clause 2.

The Hon. the Director of Education :

Your Excellency, I beg to move that clause 2 be amended,

- (i) by the insertion of the following definition after the definition of the word " Director "—" department of a school ' means infant classes or primary classes or secondary classes "
- (ii) by the deletion of the word " non-Government " occurring in the definition of the word " proprietor " and by the insertion, after the word " school " in the third line of the said definition, of the expression " other than a Government or native authority school "

Amendment approved.

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

Your Excellency, I should like to know why, in the definition of the word " school " in clause 2, there is the figure " six ". This used to be " nine " and I wish to move that the word " nine " be substituted for the word " six " wherever it occurs in this clause.

The Hon. the Director of Education :

Sir, the position is that in the old Southern Provinces Ordinance the figure was " nine ". In the Northern Provinces it is " six ", and it was felt that of the choice between the two it was better to take the Northern figure of six. It would help to give us better control.

His Excellency :

Will the Honourable Member explain his reasons for wanting the figure nine to be inserted.

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

Your Excellency the point is this. The Council has approved nine in the old Ordinance. The tendency should be to liberalise rather than to restrict. We have been used to nine here and there have never been complaints. I strongly move that nine be allowed to stand; it has been passed before and

why should there be any alteration when there have been no complaints? If anything the North should have an advantage rather than we should have a restriction.

His Honour the Chief Commissioner, Northern Provinces :

Sir, one of the great difficulties here is adequate control of schools which are not properly staffed and therefore children do not get that education which everybody in this country must feel they should get. It is very much in the interests of the rising generation that Education Committees should have control of schools and see that the teachers are qualified, that they have proper buildings, books, sanitary conditions and so on and that in that way the child should get the attention it needs. The higher we put this figure the more difficult it is for the Education Committee to control the schools. Six is a reasonable number.

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

The old Ordinance was based on English law.

His Excellency :

Have any other members any views on this matter ?

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

Your Excellency, I think that is the view of the general public. When the figure was reduced to nine before and passed by this House the people were not satisfied. I have in mind a man who has over fifty children. I don't mean he should put them in his house and employ a teacher, but still there are several cases in point, and I wish to say we should not be measured by the standard of the North but rather that the North should have the advantage of having nine as a minimum. It has been submitted also that this law is in accordance with English law. I therefore feel Sir, that it should be not less than nine.

The Second Lagos Member (The Hon. Jibril Martin) :

This new Ordinance appears to be an amendment of the old Ordinance, which was passed in the interests of the people. At the time the people expressed dissatisfaction at nine and I cannot see why the figure should now be even less. I think that rather than the South share in the disadvantages of the North the North should share in the advantage of the South. I therefore support the proposal that nine be substituted for six.

The Member for the Oyo Division (The Hon. N. D. Oyerinde) :

Your Excellency, I would like to make an observation which corroborates what other Unofficial Members have said. I lived on a farm where a father wanted to give an education to his children. He had no money to send them all to the town school, he was so poor. But there was someone in the village who could read and write and knew something of English. After the day's work the father's children, their cousins and brothers would congregate to receive instruction. But now, when we are reduced from nine to six, it means that a man of that economic condition could not take the benefit of giving training to his children. In the country where illiteracy is so high, Sir, this kind of reduction from nine to six will make it very difficult to spread education, so I endorse the views as expressed by Honourable Members on this side.

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

Your Excellency, I support the views expressed by the members on the unofficial side. I feel, Sir, that by reducing the number of pupils from nine to six this will increase the number of illiterates. We in this House are here, Sir, to encourage education, not to support illiteracy. That is our duty and I feel we should retain the old number.

The Hon the Director of Education :

Your Excellency there seems to be quite a strong feeling on the other side of the House. If, therefore, they wish the original figure to be restored I do not see any grave objection to it. Six would be a very much easier number to control and six was agreed to by the Board of Education, but if Honourable Members feel they want to keep nine I do not see any objection.

Amendment approved.

Clause 3.

Clause 4.

The Hon. the Director of Education :

Your Excellency, I beg to move that clause 4 be amended

- (i) by the substitution of the words " each Board " for the words " the Boards " in sub-clause 6
- (ii) by the substitution of the word " number " for the word " member " in sub-clause (10)
- (iii) by the addition of the following sub-clause :
 "(13) The Board shall meet at such times and places as the President shall appoint "

Amendment approved.

Clause 5.

The Hon. the Director of Education :

Your Excellency, I beg to move that clause 5 be amended by the substitution of the word " Board " for the word " Boards "

Amendment approved.

Clauses 6, 7, 8, 9.

Clause 10.

The Hon. the Director of Education :

Your Excellency, I beg to move that clause 10 be amended.

- (i) by the substitution of the word " Nigeria " for the expression " the Colony or the Southern Provinces " in sub-clause (2)
- (ii) by the deletion of the word " only " where it occurs in sub-clause (3) and by the insertion of the word " only " after the word " Teach " in the same sub-clause

Amendment approved.

Clause 11.

Clause 12.

The Hon. the Director of Education :

Your Excellency, I beg to move that clause 12 be amended.

- (i) by the substitution of the expression " department of a school " for the expression " section of a school " wherever it occurs.
- (ii) by renumbering sub-clause (4) as clause 13 (1), and by the insertion of the expression " or department of a school " after the words " new school "
- (iii) by renumbering sub-clause (5) as clause 13 (2).

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

Sir, in this clause it is stipulated that " no new school or section of a school shall be established unless.....(b) the consent of the Director has been obtained ". I am afraid, Sir, there is a feeling that this clause is directed against private schools. For many years now there has been a feeling that the

Education Committee is not very keen on the establishment of private schools, and in any case a clause like this is an unnecessary restriction. There are quite a number of children in Lagos, quite apart from other parts of the country, who cannot be accommodated in existing schools, and I think a restriction of this kind should not be applied. I think as much freedom as possible should be given to people opening schools in different parts of the country. It has been my experience, Sir, that where private schools have been opened the officers of the Education Committee, instead of being helpful, have always had a tendency to obstruct schools even when of a very good quality. I do not suggest that all the private schools are absolutely of modern type, but I think all of them have been quite good, and I think as much help as possible should be given without undue interference by the Education Committee.

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

Your Excellency, there is one point here in clause 12 that is not quite clear. The additional sub-clause to clause 4 seems to clarify it somewhat but not altogether. This says

“(13) The Board shall meet at such times and places as the President shall appoint”.

Now this clause reads—

(2) If the proprietor of any new school or section of a school is aggrieved by the withholding of consent by the Director, or if no consent is given within two months from the date upon which the notification is given under sub-section (1), he may appeal to the Board who shall appoint a committee of the Board to consider the suitability of the person to be in charge of the school or section of a school and generally upon the particulars supplied in the notification under sub-section (1); and the Governor may, on the recommendation of such committee,

- (a) prohibit the opening of the school or section of a school where the committee is not satisfied that the person whom it is proposed to be the proprietor or manager or other person in charge thereof is a suitable person to be in such charge, and
- (b) prohibit the opening of the school or section of a school until such time as the committee is satisfied that the school or section of a school will be efficiently conducted, adequately staffed and is in other respects approved by the committee.

Now, the Education Board, as far as I know, meets once a year. Supposing, just a month after the Board had met, someone sends in his application, does that mean that he must wait until such time as the Education Committee meets again and a committee appointed, which would be about a year? I am not quite clear on the subject.

The Hon. the Director of Education :

Sir, I do not know whether the Honourable Member is moving an amendment, but it is quite wrong to say that the Education Committee is trying to suppress private schools. There is a very great danger—I don't suppose the Honourable Member ever reads the local papers in Lagos; he may do occasionally, but the other day we had a very interesting case. One of the local papers published a leading article on scholarships won by Nigerian children in a neighbouring colony and congratulated that colony and the Nigerians. Enquiries were made about this school which was purporting to give these scholarships, and, as a result of these enquiries, it was found that the school was practically bankrupt, the Headmaster was a man struck off the list of teachers in Nigeria and criminally convicted of serious offences for which he was given six months, and none of the rest of the staff

was on the Register. Fortunately we were able to stop parents sending their children to take up such scholarship. Now that is the danger of allowing complete freedom regarding private schools.

Another Honourable Member has raised the point about the Board. Well, there is really no difficulty, because we have a Standing Committee of the Board which deals with all these matters, and they deal mainly by correspondence. All the papers are circulated. But we can always have a meeting of that committee whenever it is necessary and it will, of course, be more frequently necessary now under this Ordinance because we are giving applicants the opportunity of coming before the Committee if they wish in person to state their case. There is a permanent Standing Committee.

Amendment approved.

Clause 13.

The Hon. the Director of Education :

Your Excellency, I beg to move that clause 13 be amended

- (i) by renumbering as clause 14
- (ii) by the deletion of the letter and brackets "(a)" in sub-clause (2), and by the deletion of the whole of the remainder of the sub-clause after the words "Assistant Director as may be" and the substitution therefor of the word "prescribed".

The Member for the Oyo Division (The Hon. N. D. Oyerinde) :

Your Excellency, in this clause, 13 (3), it says "Any manager of a school . . . shall be liable to a fine of £20".

In clause 12 (3) we have a similar provision, but there the fine is £10. Why £20 for Northern Nigeria and £10 for Southern Nigeria? Does it imply that in the North they have more money than in the South

The Hon. the Director of Education :

I do not think there is any reason for that differentiation, Sir.

Amendment approved.

Clauses 14 to 20.

The Hon. the Director of Education :

Your Excellency, I beg to move that clauses 14 to 20 be amended as follows :—

- (7) *Clause 14.*—By renumbering as clause 15.
- (8) *Clause 15.*—(i) By renumbering as clause 16 and by the substitution of the expression "department of a school" for the expression "section of a school" wherever it occurs.
 - (ii) By the substitution of the figures "14" for the figures "13" and the figures "15" for the figures "14" in sub-clause (1) (a).
 - (iii) By the substitution of a comma for a full stop at the end of sub-clause (2) and by the addition of the following :—

"and accordingly the Director shall cause to be served upon the proprietor at least one week's prior notice of the time and place of any meeting of any committee under this section to consider any recommendation. A copy of any such recommendation shall also be served upon the proprietor as soon as possible."
- (9) *Clause 16.*—(i) By renumbering as clause 17 and by the substitution of the expression "department of a school" for the expression "section of a school" wherever it occurs.
 - (ii) By the substitution of the figures "16" for the figures "15".

- (10) *Clauses 17 and 18.*—By renumbering as clauses 18 and 19.
- (11) *Clause 19.*—By renumbering as clause 20 and by the substitution of the figures “ 18 ” for the figures “ 17 ”.
- (12) *Clause 20.*—(i) By renumbering as clause 21 (1).
 (ii) By the deletion of the expression “ manner in which ” occurring in paragraph (h).
 (iii) By the addition of the following sub-clause :—
 “ (2) Such regulations may be made in respect of the whole of Nigeria or separate regulations may be made in respect of the Northern Provinces or the Southern Provinces or the Colony, or any combination thereof.”
 [(i) The marginal notes to clauses 5, 6 and 7 will be amended so that the word “ Board ” appears properly in the singular.
 (ii) The marginal note to clause 12 will be deleted and the following substituted therefor :—
 “ New schools, departments of schools and the opening thereof in the Colony and Southern Provinces ”.
 (iii) The marginal note of the new clause 13 will read :—
 “ New schools, departments of schools and classes for religious instruction and the opening thereof in the Northern Provinces ”.
 (iv) The marginal note to clause 15 will be amended by the substitution of the word “ department ” for the word “ section ”.]

Amendments approved.

Clause 21.

The Hon. the Director of Education :

Your Excellency, I beg to move that clause 21 be renumbered 22.

Amendment approved.

Schedule.

Title.

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

Your Excellency, when a Bill of this size, 21 clauses only, has so many major amendments, I submit that it should have been reprinted before being presented to this House.

His Excellency :

I sympathise with the Honourable Member—I have had to struggle through the amendments myself.

Council resumed.

The Hon. the Director of Education :

Sir, I beg to report that the Bill has passed through Committee with thirty amendments. I beg to move that the Bill be now read a third time and passed.

Bill read a third time and passed.

THE TOWNSHIP LOCAL AUTHORITY SERVANTS' PROVIDENT FUND
 ORDINANCE, 1942

The Acting Deputy Financial Secretary (Capt. the Hon. E. A. Miller, Extraordinary Member) :

Your Excellency, I beg to move the second reading of a Bill entitled—
 An Ordinance to establish a Provident Fund for certain Non-Pensionable Servants of Township Local Authorities.

The Senior Resident, Oyo Province (The Hon. H. F. M. White) :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clause 1.

Schedule.

The Acting Deputy Financial Secretary (Capt. the Hon. E. A. Miller, Extraordinary Member) :

Your Excellency, I beg to move that the Schedule be amended by the deletion of the whole Schedule and the substitution of the amended Schedule which members have before them.

The only reason for this amended Schedule is that certain items were omitted from the original Schedule, and the amended Schedule now includes all the offices whose holders are to become depositors in the Fund.

Amendment approved.

Clause 2.

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

Clause 2 (1) (b) Sir, which reads " receives a salary of not less than £12 per annum ". That is not a provision in the Railway Ordinance or the Government Provident Fund and I do not see why it should appear here. From what I know of Lagos Town Council they seem to pay their clerks salaries as high as in Government and for that reason I do not see why the figure of £12 should apply here when it is £24 in other cases. It will cause a lot of dissatisfaction.

The Acting Deputy Financial Secretary (Capt. the Hon. E. A. Miller, Extraordinary Member) :

Your Excellency, there was a strong feeling that all members of the townships would like to become depositors in the Fund, and after discussion with the local authorities it was decided to extend this privilege to persons not so highly paid as those in Government service and the Railway.

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

If Government would do it all round there would be no objection, but they say £24 in one case and £12 in another, and my complaint is that this is likely to cause dissatisfaction. I therefore say that the figure should be £24 in each case or £12 in each case. There are many who wish to come in at the lower figure. I can endorse the fact that servants in the North desire to come in on the lower rate of pay.

His Honour the Chief Commissioner, Eastern Provinces :

I have to endorse what has been said. This concession was made on the express representation of a number of lower paid township employees, and I think that why Government was able to accept it was that the number of persons concerned is very small. Only those persons are concerned who hold offices as listed in this Schedule and are in receipt of this small salary. It is a very small body of men, Sir, and I trust the concession will not be withdrawn.

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

Your Excellency, I have no objection at all, if everyone is entitled to the same concession.

The Hon. the Financial Secretary :

Your Excellency, I don't think Government can contemplate giving an undertaking of that kind arising from a minor issue.

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

Your Excellency, are we legislating for a class now, the Township class? Government has always been trying to avoid legislation for a class.

His Excellency :

Government is trying to make a concession to certain employees of the township.

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

If Government is going to consider the township by reducing the figure to £12 why not make it apply to everybody. Let us be liberal about it.

The Inspector of Labour (The Hon. C. H. Croasdale) :

Your Excellency, in the course of my work I come across many who work on low rates of salary who find it very difficult to make both ends meet and they are very much afraid of the future because, when they lose their employment they are faced with nothing at all and no means of support. I think my Honourable Friend on the other side pointed out that the legislation under this Ordinance should be liberal, and this is definite evidence of a liberal spirit which is making towards social progress and social security for people who have not previously been served in this way. I support the clause of the Bill, Sir.

His Excellency :

I hope the Honourable Member is quite satisfied with £12.

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

Your Excellency, I do not know if I am in order in speaking at this stage of the Meeting. I should like to call attention to clause 2 (2) which reads thus—

“(2) For the purposes of this Ordinance a depositor's family shall be deemed to include his mother, father, children and wife and, in the case of any depositor who is a member of a community which practices polygamy, any wife or wives to whom he is married according to the custom of that community, but no other person ”

but what of his brothers and sisters, his next of kin? Suppose the mother, father, wife and children are dead, what happens. I think that is an omission, Sir. Then again “to whom he is married according to the custom, etc.” That word married will bring trouble, because if they have to go to the Law Courts they will want recognition of marriage which will be very difficult. I don't know if people are getting married now according to native customs, but in one place a man can pick up a wife in the street, which is no real marriage. In other places the woman just walks over to the man. She becomes the mother of his children and then after he is dead makes claims. I think this clause should be amplified.

The Second Lagos Member (The Hon. Jibril Martin) :

I think Sir, as far as the law stands now, it is quite in order. A person is expected to marry according to his own custom and we have native laws and customs in this country, by which the people are married.

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

I beg to say a word about this clause. The wording “to whom he is married according to the custom of that community” is in itself sufficient,

because, as an Honourable Member just explained, there are so many different marriage customs all over Nigeria. There are people who might live together without being married by any custom and those persons should not be entitled to any benefit, but if they are married according to their own customs the children should be entitled to what is stated here.

His Excellency :

I understand from the Attorney-General that the wording is exactly the same as that in the Railway Provident Fund and the Government Servants' Provident Fund.

Clause 2 passed.

Clauses 3 to 9.

Clause 10.

The Acting Deputy Financial Secretary (Capt. the Hon. E. A. Miller, Extraordinary Member) :

Your Excellency, I beg to move that clause 10 be amended by the addition of the word "and" after the words "ten years" occurring at the end of paragraph (b) of the proviso to sub-clause (1), and by the insertion of the following paragraph :—

"(c) who elects under the provisions of the proviso to sub-section (1) of section 9 to deposit in the fund monthly an amount equal to 8 *per centum* of his monthly salary"

Your Excellency, under the provisions of the existing Ordinance a depositor contributes 8 per cent of his monthly salary. His bonus is at first calculated at 8 per cent of his monthly salary. After he has served ten years, that bonus is increased to 15 per cent of his monthly salary. Owing to an omission, Sir, the depositor who has in the past contributed 8 per cent of his salary will be enabled to reduce his contributions to 5 per cent of his salary and still draw the increased bonus of 15 per cent. It seems only equitable, that, if he wishes to get the benefits of the increased bonus of 15 per cent, he must continue his deposits of 8 per cent.

Amendment approved.

Clauses 11 to 26.

Title.

Council resumed.

The Acting Deputy Financial Secretary (Capt. the Hon. E. A. Miller, Extraordinary Member) :

Your Excellency, I beg to report the Bill from Committee with three amendments. I beg to move that the Bill be now read a third time and passed.

Bill read a third time and passed.

His Excellency :

In accordance with the request of certain members I propose to defer the motion for the second reading of the Income Tax Ordinance.

THE LAND AND NATIVE RIGHTS (AMENDMENT) ORDINANCE, 1942

His Honour the Chief Commissioner, Northern Provinces :

Your Excellency, I beg to move the second reading of a Bill entitled
An Ordinance to amend the Land and Native Rights Ordinance.

The Senior Resident, Plateau Province (The Hon. E. S. Pembleton, C.M.G.) :

I beg to second.

Bill read a second time.

Council in Committee.

Enactments.

Clauses 1 and 2.

Title.

Council resumed.

His Honour the Chief Commissioner, Northern Provinces :

Your Excellency, 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.

Bill read a third time and passed.

THE LIQUOR (AMENDMENT) ORDINANCE, 1942

The Hon. the Acting Attorney-General :

Your Excellency, I beg to move the second reading of a Bill entitled An Ordinance to amend the Liquor Ordinance.

The Hon. the Acting Director of Medical Services :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clauses 1 and 2.

Title.

Council resumed.

The Hon. the Acting Attorney-General :

Your Excellency, 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.

Bill read a third time and passed.

THE MINERALS (AMENDMENT) ORDINANCE, 1942

The Hon. the Acting Attorney-General :

Your Excellency, I beg to move the second reading of a Bill entitled An Ordinance to amend the Minerals Ordinance.

The Inspector of Labour (The Hon. C. H. Croasdale) :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clause 1.

Clause 2.

The Hon. the Acting Attorney-General :

Your Excellency, I beg to move that clause 2 be amended by the insertion of the words " killed or " after the word " person " occurring in sub-paragraph (i) of paragraph (b) of sub-section (1) of the new section 5 } Ordinance.

Amendment approved.

Title.

Council resumed.

The Hon. the Acting Attorney-General :

Your Excellency, 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 passed.

Bill read a third time and passed.

THE FORCED LABOUR (AMENDMENT) ORDINANCE, 1942

The Hon. the Acting Attorney-General :

Your Excellency, I beg to move the second reading of a Bill entitled
An Ordinance to amend the Forced Labour Ordinance, 1933.

The Inspector of Labour (The Hon. C. H. Croasdale) :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clauses 1 and 2.

Title.

Council resumed.

The Hon. the Acting Attorney-General :

Your Excellency, 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.

Bill read a third time and passed.

THE LABOUR (AMENDMENT) ORDINANCE, 1942

The Hon. the Acting Attorney-General :

Sir, I rise to move the second reading of a Bill entitled
An Ordinance to amend the Labour Ordinance, 1929.

The Inspector of Labour (The Hon. C. H. Croasdale) :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clauses 1 and 2.

Title.

Council resumed.

The Hon. the Acting Attorney-General :

Your Excellency, 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.

Bill read a third time and passed.

His Excellency :

Honourable Members, this concludes to-day's business, with the exception of the three Bills which have been deferred, *i.e.* the Appropriation Bill, the Bill relating to Customs and the Bill for an Income Tax Ordinance. It is now not quite 11.30. I do not know whether Honourable Members wish to

adjourn now—there is so much ahead of us—or whether they would like to proceed with the Bills. I am ready to meet the wishes of members, but I do wish to avoid wasting more time than is absolutely necessary. Would Honourable Members like us to proceed with the Income Tax Bill now?

The Hon. the Financial Secretary :

May I point out, Sir, that this Bill has been published in the Gazette for the statutory length of time.

His Excellency :

I suggest that members should proceed with the Income Tax Bill. I do not want to force it, but it is not going to look any more pleasant tomorrow or this afternoon. Will the Financial Secretary move the second reading?

THE INCOME TAX (AMENDMENT) ORDINANCE, 1942.

The Hon. the Financial Secretary :

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

An Ordinance to amend the Income Tax Ordinance, 1940.

There is nothing I can add to what I said with regard to this yesterday. I would say, Sir, that in Committee stage an amendment will be moved to clause 3 which will define rather more clearly than the present proviso does the limitation of income qualifying for relief.

Sir I beg to move.

The Acting Deputy Financial Secretary (Capt. the Hon. E. A. Miller, Extraordinary Member) :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clause 1.

The Commercial Member for Port Harcourt (The Hon. F. Edmondson) :

Your Excellency, I should like to say a few words about this Income Tax Bill, which many of us think is not a good one. It would, of course, be possible for me to object to this Clause 1 and suggest the amendment of the words 1942 to read 1952, with the object of deferring the application of the Bill for another ten years, but I have no wish to do this.

We have heard the remarks of the Honourable Financial Secretary and learn that the Bill is, as we thought, not really necessary, that we are not in need of the money, and that we have large surplus funds already available to lend to the Home Government. No reason for the Bill has been put forward yet, but it appears that the Bill is a direct result of the famous circular of Lord Moyne. We do not object to paying any tax that is really necessary but I have yet to learn the need for this present Bill. Should it go through the extra charge will have to be borne by a very small section of the community; it can have no beneficial effect on the War Effort; and in any case it is suggested that the proceeds should be merely a loan free of interest to the Home Government. If the Bill produces £25,000 as estimated this year, the interest on this sum at 2½ per cent would be £625 only per annum, and this is the sum which we propose to present to the Home Government this year and for which you are going to tax a very small section to the tune of £25,000, the capital sum to be used after the War for some unspecified purpose. This seems to be a new departure in Colonial finance and I cannot see why it should be introduced at this stage. If you are anxious to help the Home Government it would be far better to do it by introducing a purchase tax on luxuries, or some measure of that nature, which would help to stop the

unnecessary consumption of luxury goods and which in any case would be evenly spread over users of such goods throughout Nigeria, instead of simply singling out a few of the higher paid people in the Colony and forcing them to pay a needless tax. Surtax on many goods has been imposed or increased during the War and income tax has already been increased and yet this Bill is introduced as a measure of help to the Government in England without any suggestion of cutting down the consumption of unnecessary goods, which would be a far more important help. We have already given a fair amount of financial support to the Home Government. Last year we lent £100,000 free of tax, and, according to the Governor's Address, paid about £70,000 in charities: we have a surplus of £200,000 from the Railway which Government do not know what to do with, and large surpluses from Railway and Customs are confidently expected this year, and these will also be available. Surely these could be loaned to the Home Government free of tax instead of forcing on to us this increased Income Tax which is obviously not really required, and which will bear very hardly on many people, although apparently on fairly high salaries. Perhaps not on me personally, as I am not married and possibly more fortunately placed than some, but I know there is a feeling of great concern about the extra burden this Bill would place on people already fully committed financially. I am aware that many Members of this Council, not excluding those on the other side of the House, and most people outside this Council, both in the Eastern Provinces and in Lagos, with whom I have discussed the Bill, are very much against it.

The Mining Member (Lt.-Col. the Hon. H. H. W. Boyes, M.C.) :

I beg to support the remarks of the Honourable Member for Port Harcourt. I am sure the majority of people who will contribute the major part of that £25,000 would rather the money was given direct to the British Government outright.

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

Sir, is it in order for Honourable Members to speak at this stage of the Bill?

His Excellency :

This question should have been discussed at the second reading, and I take it the Honourable Member who first spoke was dealing with clause 1—as to when the Bill should come into force.

The Commercial Member for Port Harcourt (The Hon. F. Edmondson) :

I am sorry, Sir, that through lack of experience of the procedure of this House, I missed the opportunity of speaking before.

The Commercial Member for Lagos (The Hon. E. H. L. Richardson) :

I think this Bill has been rather rushed on us. It was decided to suspend this Bill and subsequently decided to go on with it. I propose that the Bill should not come into operation until the 1st April, 1943.

His Excellency :

Is this an amendment to clause 1 of the Bill? We are dealing with that clause. Does the Honourable Mining Member wish to continue speaking?

The Mining Member (Lt.-Col. the Hon. H. H. W. Boyes, M.C.) :

Your Excellency, the record and activities of the administration of the funds of Nigeria is not very inspiring and we feel that this money would rather be given outright to the British Government than that it should come back to the Nigerian Government, possibly to be spent in some other manner. Now in Lord Moyne's despatch he talks about raising extra taxation, but I don't know why it is only Nigeria out of all the West African colonies which is called upon to pay increased income tax.

His Excellency :

You are not right.

The Mining Member (Lt.-Col. the Hon. H. H. W. Boyes, M.C.) :

I understood that was the case. Well then, Nigeria pays more, is that it? And that is rather unfair on firms with employees who are changeable between Nigeria and the other colonies; no doubt the firms can speak on that better than I can. There is one outstanding point about this income tax which I marked a year ago; it does not affect the pensions of the Honourable Members on the other side but it does affect the savings of people who are working out here who don't get pensions. Admittedly it may affect them if income tax is kept on after Honourable Members have retired, but only to a very small extent in the same way as it affects members who have to save out of their salaries to pension themselves.

His Excellency :

I take it the Honourable Member is supporting the amendment that the date of operation should be amended?

The Hon. the Financial Secretary :

Your Excellency, may I in the first place make it clear that I am addressing myself to clause 1 of the Bill in Committee and dealing with the amendments just made that the Bill be deferred to 1943 or 1944.

Now allow me first of all to disabuse the mind of the Honourable Member for Port Harcourt of the opinion that this Government has large surplus balances available to lend to His Majesty's Government for the prosecution of the war, because we have not, and the £100,000 which was lent was taken from the Colony's Reserve Fund. It was already dangerously small and it has been depleted from half a million to £400,000 to allow that loan to be made.

It is perfectly true, Sir, that this additional income tax of £25,000—I was perfectly frank about it—is not required in order to balance the Budget this year; we require it to make a contribution to His Majesty's Government for the prosecution of the war; and it is quite true, Sir, that, judged on the present scale of war expenditure which is now something like £14,000,000 a day at home, one can say it is a small contribution. But you can say that about any contribution; the man in England who is asked to subscribe 15s 6d can say so with a great deal more force than we can say for £25,000. And this argument that we should keep the money in our own pockets rather than part with it is not an argument which I am sure would commend itself generally to Honourable Members in this House.

Now, Sir, the Honourable Mining Member prefaced his remarks by expressing his lack of confidence in the financial administration of Nigeria, an administration, Sir, in which the Honourable Member, as a member of this House, plays his own part. We propose, Sir, that this additional taxation, as we have said, should be loaned to His Majesty's Government, to be repaid later on. I think it is generally accepted that a great deal of development will be required in colonies of this kind after the war and that of course is the reason why we do not make a free gift of the money, as there is little point in doing so now and having our free gift returned to us later. What we do propose after the war, when this loan is repaid, is to spend it on the development of Nigeria, and if the Honourable Mining Member is dissatisfied with the manner in which it is spent then we shall be only too happy to receive his criticisms and advice, but I don't think we can be expected to listen to them now.

On the point raised, Sir, by the Honourable Commercial Member for Lagos, I don't think you can possibly say that this Bill has been sprung at the House. It has been published, Sir, for the statutory length of time in the

Gazette, and I would remind the Honourable Member that in the United Kingdom the first thing you know about income tax is when you read your newspaper at the breakfast table. The Honourable Member has had at least fourteen days to consider it, and moreover we have not yet heard his arguments against the Bill.

The Commercial Member for Lagos (The Hon. E. H. L. Richardson) :

Your Excellency, I would like to say that when I first suggested this Bill should be deferred until the Supply Bill had been considered it was because I was not entirely in agreement with the remarks of the Financial Secretary yesterday. He referred to an estimated surplus of £125,000. Actually it is going to be bigger. I believe on Customs revenue alone they expect to get £275,000 more than the revised Estimates. That was not discussed yesterday.

The Hon. the Financial Secretary :

On a point of explanation, Sir, I did say, in the light of later information, that the revised Estimates would be exceeded.

The Commercial Member for Lagos (The Hon. E. H. L. Richardson) :

I quite agree. I believe the Honourable Member said they had been exceeded by £150,000.

The Hon. the Financial Secretary :

On a point of explanation, Sir, I said nothing of the kind.

The Commercial Member for Lagos (The Hon. E. H. L. Richardson) :

This sum of £25,000 will be limited to a few people. I think the view of the Unofficial Side of the House is that we are perfectly prepared to give the money to the United Kingdom for the prosecution of the war but we are opposed to lending the money to be returned after the war. I also feel that the Nigerian Government is in a position and has the money to make a grant to the United Kingdom Government for the prosecution of the war. This Bill is only going to affect certain people and it is discriminatory. Yesterday, the Honourable Financial Secretary said he did not want to affect the people in so far as their health, cost of living and education of children were concerned. He was talking about affecting people now or in the near future. But the non-official community is affected. Most of them do not get pensions, and that is the reason we find discrimination in this Bill, and in a small community discrimination of this description is offensive.

His Excellency :

Let me clear up one point. The reason Government proposes this money should be lent and not given is that the Secretary of State himself has taken the line that it would be improper for the colonies to give up money to the Imperial Government if the Imperial Government is going to, as it does intend to, give sums to the colonies for future development. It would be a little illogical for the Home Government to accept a gift of £25,000 and then make a present to the colonies of this sum. It is for that reason that the Nigerian Government proposes to lend the money, because we feel quite sure that the Secretary of State would not accept a gift from the colony which would have to be given back again and probably increased after.

The Commercial Member for Lagos (The Hon. E. H. L. Richardson) :

In that case I consider the people who pay the tax should give or lend it to the British Government and not to the Nigerian Government and that it should be returned to the people who paid this tax, after the war.

The Mining Member (Lt.-Col. The Hon. H. H. W. Boyes, M.C.) :

This despatch is from the late Secretary of State. Do we take it that this is the policy of the present Secretary of State ?

His Excellency :

I have no reason to state the contrary.

His Honour the Chief Commissioner, Northern Provinces :

Sir, I feel that the basis of these objections voiced this morning, objections put before me on several occasions since this Bill appeared, is that there appears to be some confusion between a revenue producing bill and a special effort for the war. We have no guarantee, no promise or even suggestion that this extra taxation may not go on permanently, or whether it is merely this year that the Nigerian Government proposes to lend £25,000 to the Imperial Government. I think it would be wise for us to insert some provision in this Bill by which this extra taxation is for a limited period—it may be for a year or to the end of the war. I suggest it is purely temporary and that it should be perfectly clear that this extra taxation is solely that those of us in a position to spare money over and above our needs should lend that money to the Imperial Government. We know that a number, possibly all, of those whose incomes are over £1,000 or £1,200 are in fact lending money in this way, but there can be no objection to it being laid down that all who can afford it should do so. But I do feel it would be quite wrong to mix up a revenue producing bill with the help, however small, to the Imperial Government, at a time when the British taxpayer is so heavily taxed.

I think I shall have to put forward some amendment to enable the House to consider this proposition, and so I move that a comma be placed instead of a full stop at the end of clause 1 and the following words added :—

“and shall remain in force until the 31st March, 1943.”

The result of that is that those of us who can afford to subscribe this money will do so during this war, but this House will not commit itself to a small number of individuals taxed at a very heavy rate for ordinary purposes of revenue in future. And as regards it being refunded, it is very much better that it should go back to Nigeria than be doled out to any of us. If any of us feel we are likely to go on the dole we should make representations to the Government of Nigeria.

The Commercial Member for Port Harcourt (The Hon. F. Edmondson) :

Sir, am I in order in suggesting that we are still discussing clause 1 of the Bill ? We seem to have got down to clause 5.

His Excellency :

The amendment just moved by the Chief Commissioner of the Northern Provinces is an amendment to clause 1.

The Hon. the Financial Secretary :

Your Excellency, dealing with the amendment proposed by the Honourable Member the Chief Commissioner of the Northern Provinces, I would not advise Your Excellency to adopt that amendment ; it would have a number of consequences other than those the Honourable Member suggested. Amongst others, it would be quite impossible to collect tax assessed under this Bill and not collected within the time limit as we have not got a special Ordinance as in the United Kingdom which empowers the collection.

Now, Sir, it has been the practice, in more colonies in Africa than one, to make these special revenue measures only for the period of the war. It is not so in the United Kingdom and of course there is not really any point in it because the income tax like other revenue measures can be amended at any time in order to remove increases,

But if it were the general feeling of Council, Sir, that some such provision should be inserted, it would, as I say, be in accordance with what has been done elsewhere and for my part I should not advise Your Excellency against it.

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

Sir, I want to suggest that this Bill should be referred to a committee of certain officials and members present so that we could go through it and present it to the House. As it is now we have a Bill on which the Chief Commissioner is moving an amendment and the Financial Secretary opposing it. If we have a committee it would be very much better, Sir, then we could present the Bill.

The Hon. the Financial Secretary :

If the Honourable Members means a Select Committee of Council, Sir, I think there is a great deal to commend it.

His Excellency :

I am inclined to agree with the proposal of Honourable Members that this matter should be referred to a Select Committee. Will the Financial Secretary move that Council should resume ?

The Hon. the Financial Secretary :

Your Excellency, I beg to move that Committee resumes in Council.

Council resumed.

The Hon. the Financial Secretary :

Your Excellency, I beg to move that the Bill be referred to a Select Committee, to consist of the Honourable the Chief Secretary to the Government, His Honour the Chief Commissioner, Northern Provinces, the Honourable Commercial Member for Lagos, the Honourable Member for the Rivers Division and myself.

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

I would like to suggest that the First Lagos Member should be added.

His Excellency :

I have no objection ; the First Lagos Member will be added to the Committee.

Bill referred to a Select Committee of the Council.

His Excellency :

We now have two Bills—the Appropriation Bill and the Customs Bill. Would Honourable Members be prepared to deal with either of these two Bills this afternoon ?

The Commercial Member for Lagos (The Hon. E. H. L. Richardson) :

Not the Customs Bill, Sir.

His Excellency :

If we proceed with the Appropriation Bill we won't have time to proceed with the Customs Bill. I take it members will be ready for the Appropriation Bill this afternoon ?

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

We would like to proceed with this Bill tomorrow, Sir.

His Excellency :

I think we must proceed this afternoon with one or the other.

The Hon. the Comptroller of Customs :

If I am in order in speaking now, Sir, I would invite the attention of Honourable Members to clause 1 of the Customs Bill, which states that the Bill shall come into force on a day to be specified by the Governor by notice

in the Gazette, and I think Your Excellency would be prepared to direct that it should not come into force until members have had ample opportunity of stating their objections to it. I am sure it will not require much amendment. Any amendments will be of a trifling character, and that being so the Bill should now go through ; and if they wish to refer to the United Kingdom or elsewhere they will be able to do so : but it would give me a chance to get a move on.

The Member for Shipping (The Hon. G. H. Avezathe) :

Sir, that sounds quite reasonable. One of our big objections is that we have not had a great deal of time to study a very big Bill and a Bill to affect so many people. I think the Chamber of Commerce at home and a number of importing firms should have some chance to see the Bill. If, as the Honourable the Comptroller of Customs mentions, Your Excellency would make the date long enough to give us a chance for this Bill to reach home I think we should be satisfied.

His Excellency :

I sympathise entirely with Honourable Members. They certainly should have time to deal with these long Bills. If they want to postpone it, although the Comptroller of Customs has assured us there is nothing new in it, I on my part will not bring it into force.

The Commercial Member for Port Harcourt (The Hon. F. Edmondson) :

Your Excellency, I have heard what the Honourable the Comptroller of Customs has to say, and for my Chamber would be prepared to accept his assurances that there is nothing harmful in the new Customs Bill, but as the Bill was received very shortly before my departure from Port Harcourt and the members of that Chamber of Commerce had no time to study the large number of clauses or discuss their implications with their principals, I would suggest that consideration of the Bill be postponed for a while, and thus give all concerned an opportunity to go fully into all the clauses. We welcome the attempt of the Honourable the Comptroller of Customs to bring the Customs Laws up to date, and are grateful for any change towards the speeding up of clearance of imports, and shall be pleased to give him our full support later, but for the time being feel that it would not be fair to commercial interests to press for the passing of the Bill at this sitting of the Chamber. The length of the Bill and the time taken by the Honourable the Comptroller of Customs show the importance of the Bill.

His Excellency :

I sympathise. I myself have not had a chance to read it word for word, and the Comptroller of Customs is prepared, if members wish, to withdraw the Bill at this Council and take it up at a later date.

The Customs Bill then is postponed.

We are then left with the Appropriation Bill. Do I understand it is the wish of the Honourable Members to defer this till tomorrow morning ?

The Commercial Member for Port Harcourt (The Hon. F. Edmondson) :

I appear to be talking quite a lot for the boy at the bottom of the class, but I feel that we should continue the sitting this afternoon. Several of us have come from the provinces and lost a lot of time in travelling, and we should like to get on with the meeting and get back to our own jobs as quickly as possible.

His Excellency :

I think no harm would be done if we start this afternoon. Honourable Members will have an opportunity to discuss it then and in Committee. I

take it there is no objection. I am most anxious to meet the wishes of the Unofficial Members but I am also anxious to get on with the work.

Council will stand adjourned until 2.30 p.m.

Council adjourned at 12.5 p.m.

Council resumed at 2.30 p.m.

The Banking Member (The Hon. D. D. Gibb) :

Your Excellency, this morning a number of members mentioned that they had not had an opportunity of studying the Bill, and we are therefore not in a position to debate the situation. In view of that I propose that the Bill should be referred to the Standing Committee of Finance, which will give the members a chance of studying thoroughly all phases of the Estimates and then return to the House and have the debate afterwards.

His Excellency :

I am most willing to meet the members wishes and gladly accept.

The Banking Member (The Hon. D. D. Gibb) :

If you are prepared to accept it, Sir, may I move that, under Standing Order 58, Standing Order 51 (2) be suspended, and that the report of the Select Committee be considered by Council before being re-committed to the House.

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

I beg to second.

Standing Order 51 (2) suspended.

The Hon. the Acting Attorney-General :

Sir, the Report of the Select Committee will come back but, in view of the suspension of Standing Order 51 (2), it will come back to the whole of the House, and after debate there will be re-committed to Committee of the whole Council. The second reading of the Bill must be formally moved.

The Hon. the Financial Secretary :

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

An Ordinance to appropriate the sum of nine million, eight hundred and ninety thousand, five hundred pounds to the service of the year ending on the 31st day of March, 1943.

The Hon. J. J. Emberton, M.C. (Extraordinary Member) :

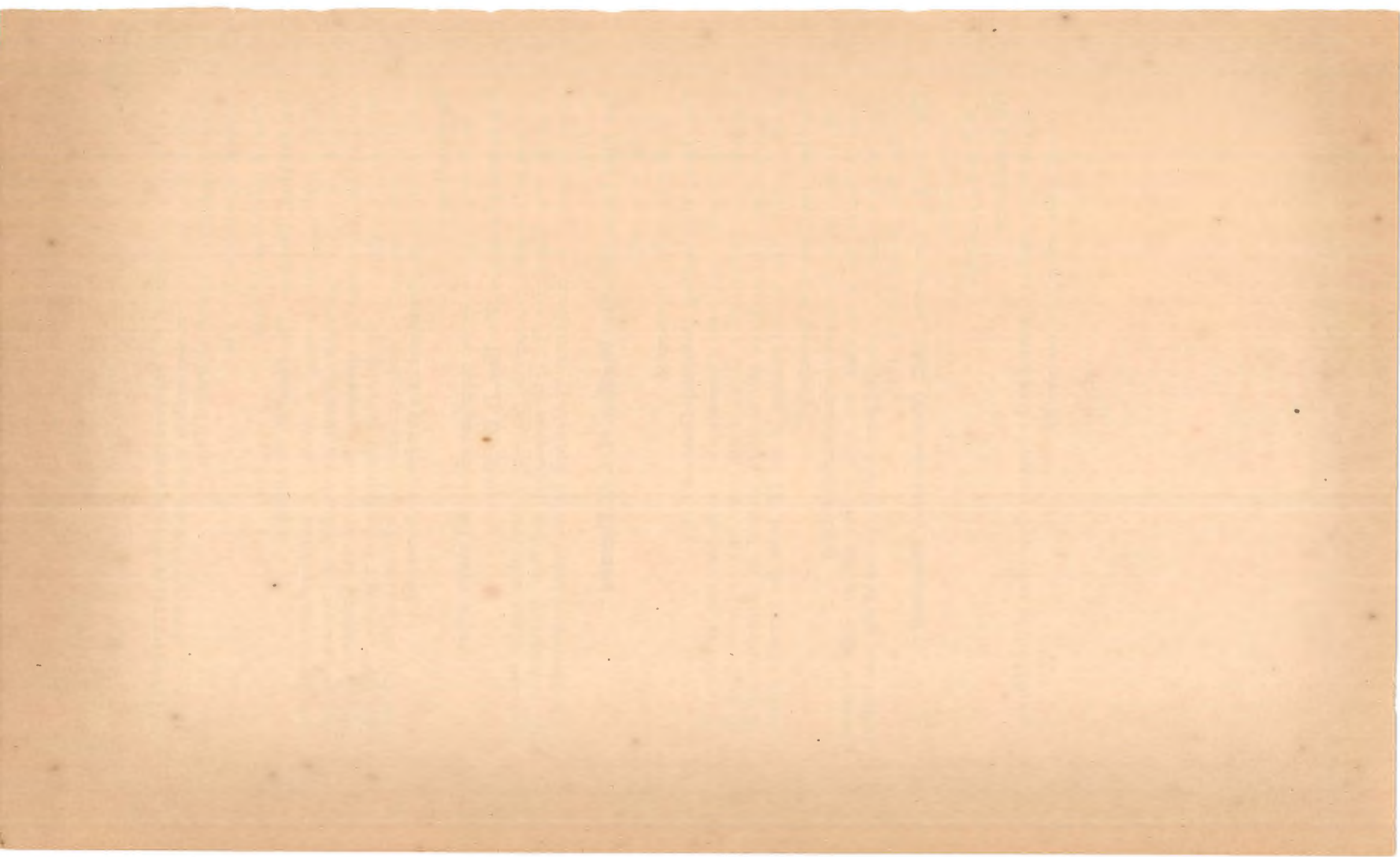
I beg to second.

Bill read a second time.

His Excellency :

The Bill now stands committed to the Finance Committee of the House.

Council adjourned at 2.38 p.m. sine die.



Debates in the Legislative Council of Nigeria

Monday, 23rd March, 1942

Pursuant to notice the Honourable the Members of the
Legislative Council met in the Council Chamber, Lagos,
at 10 a.m. on Monday, the 23rd of March, 1942

PRESENT

OFFICIALS

- The Officer Administering the Government,
His Excellency Sir Alan Burns, K.C.M.G.
- The Chief Secretary to the Government,
The Honourable A. W. G. H. Grantham, C.M.G.
- The Chief Commissioner, Northern Provinces,
His Honour T. S. Adams, C.M.G.
- The Chief Commissioner, Eastern Provinces,
His Honour G. G. Shute, C.M.G.
- The Acting Attorney-General.
The Honourable G. L. Howe.
- The Financial Secretary,
The Honourable C. R. Lockhart, C.B.E.
- The Acting Director of Medical Services,
Dr. the Honourable G. B. Walker.
- The Director of Education,
The Honourable E. G. Morris, 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, Plateau Province,
The Honourable E. S. Pembleton, C.M.G.
- The Senior Resident, Oyo Province,
The Honourable H. F. M. White.
- The Senior Resident, Owerri Province,
The Honourable F. B. Carr.
- The Resident, Benue Province,
The Honourable D. M. H. Beck, 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 J. J. Emberton, M.C.,
(Extraordinary Member).
- Captain the Honourable E. A. Miller,
Acting Deputy Financial Secretary (Extraordinary Member).
- The Honourable G. B. Williams, M.C.,
Commissioner of the Colony (Extraordinary Member).
- The Honourable C. H. Croasdale,
Inspector of Labour (Extraordinary Member).

UNOFFICIALS

- The Member for the Ibo Division,
The Honourable B. O.-E. Amobi.
- The Member for the Rivers Division,
The Honourable S. B. Rhodes.
- The Member for the Warri Division,
The Honourable A. Egbe.
- The Member for the Oyo Division,
The Honourable N. D. Oyerinde.
- The Banking Member,
The Honourable D. D. Gibb.
- The Member for Calabar,
The Revd. 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,
Lieut.-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 Third Lagos Member,
The Honourable Ernest Ikoli.
- The Member for Shipping,
The Honourable G. H. Avezathe.
- The Member for the Colony Division,
The Revd. and Honourable T. A. J. Ogunbiyi
- The Member for the Egba Division,
The Honourable Olaseni Moore.
- The Member for the Ondo Division,
The Revd. and Honourable Canon M. C. Adeyemi,

- The Member for the Cameroons Division,
The Honourable J. Manga Williams.
- The Commercial Member for Calabar,
The Honourable W. V. Wootton.
- The Commercial Member for Lagos (Provisional),
The Honourable E. H. L. Richardson.
- The Commercial Member for Port Harcourt (Provisional).
The Honourable F. Edmondson.

ABSENT

OFFICIALS

- The Chief Commissioner, Western Provinces,
His Honour G. C. Whiteley, C.M.G.
- The Senior Resident, Cameroons Province,
The Honourable A. E. F. Murray.
- The Senior Resident, Kano Province,
The Honourable J. R. Patterson, C.M.G.
- The Senior Resident, Sokoto Province,
Commander the Honourable J. H. Carrow, D.S.C., R.N.
- The Resident, Katsina Province,
The Honourable R. L. Payne.
- The Resident, Adamawa Province,
Captain the Honourable E. W. Thompstone, M.C.
- The Resident, Zaria Province,
The Honourable F. M. Noad.

Prayers

His Excellency the Officer Administering the Government opened the proceedings of the Council with prayers.

Confirmation of Minutes

The Minutes of the meeting held on the 17th March, 1942, having been printed and circulated to Honourable Members were taken as read and confirmed.

Papers Laid

The Hon. the 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 1942-43.

The Hon. the Chief Secretary to the Government :

Your Excellency, I beg to lay on the table the following paper—
Report of the Select Committee of Legislative Council appointed to consider the Bill entitled " An Ordinance to amend the Income Tax Ordinance, 1940 ".

I would like to say that the copies distributed are not yet quite complete; they have not got the new Bill attached. This is in process of being printed and will be circulated this morning. And I regret very much to notice the omission of an important "not" on the first page of the Report under paragraph 2 (b). The fourth line should read "£200 to £400 in the

case of the wife *not* being resident in...". I would ask Honourable Members to correct their copies, and I apologise for that mistake, but it was all done in a great hurry.

Questions

Note.—Replies to Questions Nos. 56 and 57 by the Honourable the Member for the Oyo Division, Questions Nos. 62-70 by the Honourable the Third Lagos Member, Questions Nos. 71, 74, 75 and 80 by the Honourable the Member for the Ibo Division, Questions Nos. 85 and 86 by the Honourable the Member for the Ijebu Division, of the 16th of March, 1942, and Question No. 88 of the 17th of March, 1942, by the Honourable the First Lagos Member, are not yet ready.

The Member for the Warri Division (The Hon. A. Egbe) :

1. (Question No. 2 of the 17th of March, 1941). (a) Will the Government give the number of applications for new plots (i) in Alder's Town, (ii) Maple Swamp and (iii) the Agbassa Okere Road areas ?
- (b) How many of these applications have been approved ?
- (c) Has Government received deposits from these applicants ? If so, in how many cases ?
- (d) Will there be discrimination in sub-leasing these plots ? If so, why ?
- (e) What is causing this considerable delay which is holding up progress in the Warri Township and is causing a great deal of inconvenience to the people of the Warri Township ?

Answer—

The Hon. the Chief Secretary to the Government :

- (a) (i) 161 ; (ii) and (iii) 219.
- (b) None.
- (c) Yes, in 28 cases.
- (d) No, Sir.
- (e) The delay is occasioned by the necessity of investigating the title to the lands in question and it is regretted that owing to shortage of staff and pressure of more urgent work in connection with the war this has not yet been completed. Until it is completed further sub-leases cannot be granted.

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

2. (Question No. 47 of the 16th of March, 1942). (a) To ask how many African officers in the Provincial Administration are at present engaged on work which used to be performed by British Assistant District Officers ?
- (b) By what title are the African officers known ?
- (c) What is the objection to their being described as Assistant District Officers ?

Answer—

The Hon. the Chief Secretary to the Government :

- (a) Several African officers at various stations are at present in charge of Local Treasuries and to this extent are performing work which previously formed part of the duties of Assistant District Officers.
- (b) They are known as Local Treasurers but retain the titles of their substantive appointments.
- (c) They are not performing the full duties attached to the post of Assistant District Officer.

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

3. (*Question No. 52 of the 16th of March, 1942*). (a) How many clerks including registrars are there in the Judicial Department in Nigeria ?

(b) How many are there as Chief Clerks, Assistant Chief Clerks, First-class Clerks, Second-class Clerks, and Third-class Clerks ?

(c) Will the Government please state the length of service of the ten longest served First-class Clerks and why have they not been promoted ?

Answer—

The Hon. the Financial Secretary :

(a)	119 (inclusive of 15 Clerks Non-pensionable).	
(b)	1 Senior Registrar (Chief Clerk)	.. 1
	3 Registrars, Grade I (Assistant Chief Clerks)	.. 3
	6 Registrars Grade II	} 1st Class Clerks 17
	11 First-class Clerks	
	6 Deputy Registrars	} 2nd Class Clerks .. 56
	50 Second-class Clerks	
	27 Third-class Clerks and	
	15 Clerks Non-pensionable	} 42
		119

(c) The ten First-class Clerks with the longest service have served for 29, 27, 24, 23, 23, 22, 22, 22, 21 and 19 years respectively. Promotion depends both on the number of vacancies occurring in the higher grades of the Clerical Service and on the merits of the individual candidates for promotion. Government is not however prepared to state the reason why particular officers are or are not promoted.

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

4. (*Question No. 53 of the 16th of March, 1942*). (a) Are European posts created for the clerical staff in the Judicial Department as are done in other Departments like the Police, Agriculture, Audit, etc. ?

(b) How many of the members of the African staff of the Judicial Department are holding European posts ? If none, why ?

Answer—

The Hon. the Financial Secretary :

(a) and (b) There are at present no European posts other than those for which a professional qualification is necessary.

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

5. (*Question No. 54 of the 16th of March, 1942*). (a) Why are the Registrars of the Protectorate Courts of Nigeria paid salaries as First-class Clerks since the inception of the Protectorate Courts in 1934 ?

(b) Are their posts not of such responsible nature to entitle them to the usual rates of Registrars' salaries ?

Answer—

The Hon. the Financial Secretary :

(a) The grading of the African staff at the inception of the Protectorate Courts in 1934 was considered adequate at that time. His Honour the Chief Justice has, however, recently submitted to Government proposals regarding the regrading of certain Registrar posts and these are receiving attention.

(b) See (a) above.

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

6. (*Question No. 55 of the 16th of March, 1942*). How many Judicial clerks have served the longest according to the roster and what posts are they holding now ?

Answer—

The Hon. the Financial Secretary :

2 Registrars, Grade I (Assistant Chief Clerk)—30 and 32 years respectively.

7 First-class Clerks—23, 23, 24, 24, 27, 27 and 29 years respectively.

3 Second-class Clerks—24, 24 and 25 years respectively.

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

7. (*Question No. 59 of the 16th of March, 1942*). To ask how many officers of the Administrative service lent for service to the Colonial Office and other Colonies as distinct from those on actual War Service, and who pays their salaries during the time they are so lent ?

Answer—

The Hon. the Chief Secretary to the Government :

Two officers are at present seconded for service in the Colonial Office and their salaries are paid in equal shares by His Majesty's Government and the Nigerian Government.

Eight officers are at present seconded for service with other Colonial Governments and their salaries are with one exception paid in full by those Governments. The exception is a junior officer who is temporarily seconded to the Gold Coast Government for service in the Broadcasting Bureau at Accra. His salary is paid in full by this Government as the Accra Broadcasting Bureau also serves Nigeria.

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

8. (*Question No. 61 of the 16th of March, 1942*). To ask whether it is correct that Telegraph Messengers in Kaduna, in the Northern Provinces, have to provide their own bicycles for carrying out their official duties. Is this the practice in other large centres, and if so, will the Postmaster-General consider providing this class of worker with transport in view of the fact that he is very poorly paid and should not be burdened with the responsibility for providing his own transport ?

Answer—

The Hon. the Financial Secretary :

It is not considered practicable to provide Telegraph Messengers with bicycles at any centre except Lagos. A Telegraph Messenger who provides himself with a bicycle is however eligible for an allowance at the approved rates.

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

9. (*Question No. 81 of the 16th of March, 1942*). In view of the reply given to Question No. 36 of the 17th of March, 1941, and the length of the years in which Telephone Operators now at £78 per annum have remained stagnant on that grade, coupled with the increased cost of living now imposed by the present war, will Government now reconsider the position of these operators and see that they are promoted to the £88-8-128 grade ?

Answer—

The Hon. the Financial Secretary :

The attention of the Honourable Member is invited to Head 27 Item 1 (12) of the draft Estimates for 1942-43 which places Telephone Operators and Senior Telephone Operators in one long grade rising to £128 per annum.

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

10. (*Question No. 82 of the 16th of March, 1942.*) (a) Has Government's attention been drawn to the series of articles published in the *West African Pilot* under the head "Legislative Council Reflections" immediately after the 1941 Budget Session? If so,

(b) Has Government been able to check up the facts stated in one of the series, relative to the question of the Telephone Operators, and what step is Government taking to adjust the irregularities alleged in this particular portion of the reflection?

Answer—

The Hon. the Financial Secretary :

(a) and (b) It is regretted that the information supplied by the Honourable Member has proved insufficient to enable the article in question to be traced.

Resolutions

The Hon. the Financial Secretary :

Your Excellency, I beg to move the following Resolution—

"Be it resolved: That, in accordance with the Resolution of the Council "suspending Standing Order 51 (2), the Report of the Select Committee of Legislative Council appointed to consider the Draft "Estimates of Revenue and Expenditure for the year 1942-43, which "was laid on the table to-day, be considered in Council".

Sir, Honourable Members will have the Report before them and will see from page 3 that the result of the amendments made in revenue is to increase the revenue estimate by £62,580. This is mainly accounted for by an increase in the Estimate of royalty on tin which, on the information given to the Committee as probable output, it was considered safe to increase by £70,000. But Honourable Members will see that this is set off by an expenditure item of £35,000 on page 5, item 35. On the expenditure side there is a total increase as set out in the Schedules on pages 4, 5 and 6 amounting to £85,940. I do not think there is any special point there, Sir, to which the attention of Council should be directed. The largest items will be found at the end of Schedule B where there is an amount of £22,000 for air raid precautions. The effect of these amendments is to leave us with an estimated deficit, which we shall require to meet from our surplus balance, of £31,210. In paragraph 10, Sir, will be found certain suggestions by the Committee—matters for consideration by Government—but I should like to say this list is by no means inclusive of all matters raised in the course of the Committee's deliberations. Those are reported in the minutes which we have not of course yet had an opportunity to prepare, but I can assure Honourable Members that the minutes will be carefully examined, and in order to avoid any suggestion that there are any points raised in those minutes which Government ignores it is proposed to summarise them in a Schedule and to set out in a parallel column the action which Government is taking or proposes to take or feels capable to take, and the reasons therefor will be circulated to Honourable Members at a later time of the year.

Sir, I beg to move.

The Hon. the Deputy Chief Secretary :

I beg to second.

Resolution approved.

His Excellency :

It will be in order for members to discuss now the matters they would have raised in connection with the second reading of the Bill.

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

Your Excellency, I rise to support the motions made and moved by the Honourable the Financial Secretary. I must first of all say that we are very grateful to him for the careful explanations given to every question put to him. As I said before, we did not have sufficient time to study the Estimates. We found it very difficult at first, but by the time we got to the middle of it we had grasped a lot.

I think we have to congratulate ourselves on the marked improvement in our revenue for the year 1942-43 according to the Estimates, and we hope to be able to improve more and more as time goes on. It has always been felt that during Budget Session people should voice their feelings and criticise Government as vigorously as possible. But there is a saying in my country that you have to drive away the fox before you blame the fowl. When the fox comes into your compound to take away your chickens, you must drive away the fox first—when you come back you attack the chicken. That is the position we feel we are in to-day, and we should realise that we must drive away Hitler and his allies before quarrelling with the Government. On the other hand, Government has had criticism before, and they should make up their minds that when the time comes they will give a listening ear to what we have to say. To be able to drive away the fox, without offending my friends on the opposite side, I feel that we have not done as much as was expected of us to give a full drive to our enemies. When you go to the provinces, Your Excellency, some of the poor natives ask us the question "We hear so and so is getting about £1,600 a year; what is he giving towards the war, why doesn't he sacrifice half of his pay so that we may follow in his footsteps?" I feel Your Excellency that this is the time when we should unite, without regard for what may be our future or what benefit we are going to derive from it, to lend every support to Great Britain and her allies, to drive Hitler and his gang right out of power.

Your Excellency, I have to say one or two words in regard to the Estimates, and the Department which I wish to mention first is the Governors' Conference Department. Although we have approved the whole thing in principle since it went through Committee without question. But I feel, Sir, that the Governors of West Africa could meet and discuss matters of vital importance, especially at this time, without opening a special office for it, although the reply I expect to get is that the three other Colonies share the burden. But you will agree with me that at a time like this nobody should know where the Governors meet, and for that reason, Your Excellency, I think the matter should be deeply considered. If you look through the Estimates you will find an item of £1,600 for the man who is going to act as Deputy Chairman. I think a young Administrative Officer could be used for that work. I remember some time ago the office of Transport Directorate was thrown open, but we found it necessary to remove it because the office was redundant. And I hope that Government will come to the same decision in this case. We read of the meeting of Mr. Churchill and Mr. Roosevelt somewhere on the high seas, to discuss matters of vital importance, more vital than those of the Governments of West Africa. Why shouldn't the

Governors' Conference meet in Government House, with somebody there to take notes. Your Excellency, we have heard so much about democracy ; I feel that while we are at war with the common enemy we should start here and now to practice what we preach.

There are other matters which I would like Government to consider immediately after the war. It has always struck me what a difference there is, when I see young clerks holding special qualifications, such as the senior Cambridge certificate, getting a salary of £48 to start their life, and looking, on the other hand, at a European, perhaps with the same qualifications, starting on a salary of £400. There is a very big margin between the two. The one with £48 has nothing to look up to ; he is employed simply as a clerk in one of the departments. He gets no credit from the Government, he gets no special allowance for a house, nothing for his upkeep, nothing at all to look up to. And often he remains a second-class clerk while the European is earning a salary of £1,000. On the other hand, Your Excellency, a European who comes out has a house prepared for him wherever he goes, cooking utensils, furniture and every comfort. I personally do not grudge a European getting £400 but I feel that it is high time Government should consider seriously the conditions of service of the African starting on £48, who probably has a lot of dependents hanging over his shoulder, house rent in a place like Lagos, and so on. In the end, by the time he gets to the stage of second-class clerk, most of them become bad debtors. Some unfortunately have to be removed from the service, through no fault of their own. I feel that it would be a sort of encouragement, if Government feel they cannot increase the scale of salary beyond £48, to give them a long grade, say £48-220. That would be a solution, and I hope Your Excellency that when the time comes Government will recommend something of that kind on behalf of the African civil servant.

Another point Your Excellency. I must first of all congratulate the General Manager of the Railway, Mr. Rooke. The last time we had him in this House he was Deputy ; he has now been promoted General Manager. We look up to Mr. Rooke, we respect him, but I must confess to Your Excellency that I was not satisfied with the answer he gave to the question before him that Railway servants should receive pensions under the Pension Ordinance. I said to myself, after all what does it matter if one side of the Railway staff is receiving pension ; why shouldn't the other side receive pension if they so desire. But why answer the question in such a fashion to create anger amongst Africans. I said some time ago in this House, Your Excellency, that many a time people attach blame to Government, but it is not the Government that is at fault but the people administering the Government, but we cannot attack them and that is why we put the onus of Government. We are very proud to be under the British Government ; we are proud to remain under the British Government as long as life lasts. There is nothing wrong with the Government, only the people administering it we would attack for not being broadminded. I feel that if you want to say no you can say it in such a fashion that you would not offend anyone.

Another point, Your Excellency, which I feel I must touch on is Native Administration. The Bible tells us " Train up a child in the way he should go so that when he is old he may not depart from it."

His Excellency :

The Honourable Member must be careful, there are several members of the clergy here.

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

But I am sometimes puzzled to hear that the time is not ripe. A question is asked and the reply we get is—the time is not ripe. I wonder when will the time be ripe—when a man is eighty years old? And yet it is said of the child “when he is young”. I think and feel that Native Administration in the East is working satisfactorily except for the fact that we have forty Judges, twenty-four Judges, eighteen Judges, or twelve Judges sitting over a case. Although it is true that they may be giving satisfactory judgment, yet there is no need to sit in such a quantity. You will remember, Your Excellency, you have been here so long and know the administration better than some people do, that when the Government came, as far back as eighteen ninety something, when they entered the provinces the first thing they did was to throw away our former crude ways of doing things. I know very well that when we used to sit in the open to discuss matters between plaintiff and defendant judgment was usually settled with matchets. Government came along and said, no that is not the way to do things. They opened Native Courts, and asked the people to recommend others who would represent them. Members were selected, and every chief sitting in a Native Court knew what he was doing there ; he was actually responsible. But to-day, go to a Native Court and you will find ex-convicts sitting as members, you will find men of no consequence. I don't know whether we are being educated to go back to our native fashion or not, but when Government came they did not follow our fashion but taught us theirs. We have got used to that revised way of doing things. I don't know what would happen if say forty-eight District Officers were to sit, if ten Judges were to sit in the Supreme Court. What sort of court would that be? There are times when there are differences of opinion and three Judges sit in the West African Court of Appeal. So I say, Sir, that if we are going to be educated to govern ourselves we must be educated in the right way. I would not like this system to go on indefinitely. When you have got forty-eight members sitting and getting £2 16s. and £3 among themselves what do you expect them to do? You give them the chance of bribery, nobody would blame them for receiving £10 to decide otherwise in a case.

Another thing Your Excellency. Some years ago we were told that our money is invested in foreign countries, Australia, Ceylon and several other places, when we could get the same percentage of interest if it were invested in Nigeria, the Gold Coast, Sierra Leone or the Gambia. For that reason nothing is done properly. Here we have not sufficient money to carry on the work which Native Administrations have to do. I thought originally that when this was introduced it would be organised and built in the same way as Abeokuta, Ibadan and several other Native Administrations by allowing the institution to be well-founded, before drawing anything in the way of 50 per cent which Government has been calling for. Native Administration in the East will take some years to fall into line with those of the West. Again, Your Excellency, if it was not the original intention of Government to make Native Administration in the East fall into line with that of the West why should our chiefs be sent to the West to study the working of Native Administration. And now, when we clamour for things happening in the West to be introduced into the East, the reply we get is—the time is not ripe.

Your Excellency, there are two things which I would recommend and which I feel, if brought into work in this country, would help to increase the revenue. Liquor distillation should be recommended by the Government, and distillation by the people of home-made stuff be encouraged. Looking up the Estimates of the Northern Provinces I find they make plenty of revenue from licences to Pito brewers, and I feel that if licences were

granted to tombo brewers there would be plenty of money coming into the coffers of Native Administrations.

I was delighted, Your Excellency, to find that the Public Works Department has imported an instrument for making nails. It struck me very much, but made me feel that Government always leave things until it is late. When we advocated for industrial schools here our cry was ignored, and now the Public Works Department has taken the opportunity, simply because they know they will require any amount of nails in their department, hence they send for this machine. Where a packet of nails sold before at 3d or 4d the price is now something like 2s, simply because it is not controlled. If that Department could be given a vote to manufacture nails, sufficient for the use of the country, that would bring volumes of money into the revenue.

Education. We have to make this proposition, Sir, but first of all I must voice the protest made by the people of Awka against the transfer of the Government School; they are very much against that transfer and they have given their reasons for the objection. But I think, Sir, Government has done a bit towards the increase of grant-in-aid to our assisted schools, for which we are very grateful. But I would also remind Government that there was a time when the missions kept up elementary schools free. Both the Church Missionary Society and Roman Catholic Missions as far back as 1903 gave elementary education free. I do not know whether they received any grant from the home Government but they kept up the schools free. But what we cry for is compulsory elementary education for the people of Nigeria.

Agriculture. We are very very proud to see the efforts of that Department, especially at this time. Nobody knew that we had any amount of fats in the North until necessity became the mother of invention, and now our supplies of butter come from Vom. We have been trying to find out how best we could get a substitute for stock fish; we have been told that enquiries have been made and we look forward to the Honourable the Director of Agriculture to try his best to promote this scheme, not by putting in an officer to sit tight, but by putting the scheme into work. We want to see some of these fishes brought to the markets and tested by the public. At any rate, Your Excellency, we feel that this is the time when we should be self-supporting. We should not have to go over to England for such things as tomato puree, lard and that sort of things we should get them from our own country. It is by so doing that we will help to win the war.

Medical. This Department is the life almost of the country, and I feel that this Department should be encouraged in its activities. Tuberculosis has taken a great toll of the population of this country and remedy has not been found for it, but I am told they are building something in a form of clinic—at Yaba for this dangerous disease.

There is another thing, Your Excellency, which we feel should be attacked seriously, although I may say that the fault is sometimes put on the Africans for not reporting a case in time. But there are cases where people feel that something should be done to stop the spread of this dreadful disease—I expect the members of the Medical Department understand what I am referring to. Venereal.

Leprosy. I am glad to say that here, and in several other centres, good work is being done. In a place like Oji, where Dr. Munnycy is in charge, there is an open market for the colony, and each leper is encouraged to work to be able to earn something, both for his living and for purchase of small necessaries, so I feel that that Department is doing very good work. But there are certain times when you can hardly get lepers to leave their houses or towns. We have tried to find a solution in our Native Councils by saying

that no leper remains in the town, but sometimes when we consult the Medical Officers about it they give different opinions—some say it is not infectious and others say it is. We do not know the particular brand that is infectious, but I do say, Sir, that some firmer measure should be adopted to keep away these unfortunate people from those who are not infected.

Another Department I wish to talk about is the Forestry Department. Some years ago Major Oliphant was sent out to advise the people of Nigeria how best to use their forests. Now that space on the boats is reserved I feel, Sir, that the Forestry Department should be given some grant to open up a Sawmill in the Eastern Provinces and there give us a full demonstration of their work and also show us other species of woods besides mahogany, walnut and iroko. We have any amount of cheap woods here which would be no use to foreign markets but could be used locally, but until we are taught how to use this wood we cannot go ahead.

Your Excellency, I wish to say something about the Legal Department. The Criminal Code is the only Code that has received vigorous amendment from time to time, but I would like to see the Law of Moses embodied in the Criminal Code one of these days—an eye for an eye, a tooth for a tooth. It is this, Sir, that the natives need, particularly in the East. Some of them feel that because there is a war on Government is not very active, Government does not feel like dealing with this and that case, so they use their matchets without regard, and I feel that the time has come, when people using their matchets against each other, should, instead of being sent to jail, be dealt with according to the Mosaic laws.

Another thing I would like to mention, Sir. Of course this is a matter which I feel our Chief Commissioner is able to deal with, but we are so placed that when we have a meeting with our people before coming to this Council, and when they have read the reports and see nothing about it, they come to the conclusion that their man must have been wasting his time. The matter is this. A few weeks ago, a whole market was destroyed by fire, making the fourth time that market had been destroyed, and I am told that immediately after the fire, people were asked to build up new stalls. No consideration was given to them for the losses they had sustained, no building materials, but they were simply asked to construct new ones out of their own pockets. This matter is burning in the minds of the people. They feel that as fire is an act of God, the Government or Township Board, should assist the people. I also feel that the time has come when that market should be permanently built, not now, but immediately after the war.

Also during the past three years we at Onitsha had a programme for an electricity scheme which, but for the unfortunate fact of the war, would have been considered, so I would very much like Government to put it on record that whenever the war is over this will receive immediate consideration of Government.

Again, Sir, when you go to Enugu, which is an important place and the seat of His Honour the Chief Commissioner of the Eastern Provinces, you find that the streets are not lighted. In Warri, and also in Calabar I think, the streets have lights, but yet a place like Enugu has no street lighting and people walking about at night have to carry lanterns.

Your Excellency, I want to assure you once more that we are, and shall remain, ever loyal to the British Government. I feel that it is your duty to tell us what to do, apart from what we have already done, in order to save not only ourselves but ourselves. No African has ever thought that this war is not his war. No African to-day is prepared to see the hand of the clock turned backward, and for that reason, Your Excellency, we are with you

wherever you go, and we are prepared to answer whatever call you may give us for the prosecution of this war so that final victory will be ours.

The Member for the Ondo Division (The Rev. and Hon. Canon M. C. Adeyemi) :

Your Excellency, I should like first to make a few remarks which do not deal directly with the consideration of the Estimates for the coming year, but with your permission I feel I must say these few words. At the same time I would quote two sayings—"Brevity is the soul of wit" and "Many words do not fill a basket". I am going to talk in parable. Now on Monday, after the afternoon Session, I was walking along the Marina enjoying the fresh air so that I would be fit for next morning, when I saw a man before me, who had a herculean stature. I at once recognised him to be Socrates. After we had exchanged greetings, he said he was going to subject me to Socratic method so as to find out if I was equal to this new appointment as a member of the Legislative Council. I implored him that I did not want to suffer the same fate as Euthyphro but I would rather like him to follow the method of instruction with me. He then took me to a well laid out garden, full of luscious fruits. We found there a man and he asked me to enquire from him his name. The man said his name was Optimism. His eyes were beaming with joy and happiness. He further said that the master of the garden had permitted him to take home as many things as he liked from the garden. After we had spent a most enjoyable time in the garden Socrates and I were returning home. At the entrance to the garden there sat a man who had a morose appearance. He had a radio at his side and so he could hear all that was going on in the garden. Socrates asked me to ask for his name. I did so and in answer to my question he said his name was Tantalus. Then, Socrates said, the happy man in the garden by the name of Optimism was myself, a member of the Legislative Council. The other man outside, whose name was Tantalus, represented other provinces that had not got the privilege of coming to the Legislative Council. I would therefore respectfully beg the Government at no distant date kindly to extend to those provinces outside the Legislative Council the honour of joining the Council. At the same time I feel grateful to the Editors of the newspapers who had been championing the cause of the provinces outside the Legislative Council for entrance into it, and I now join my voice to theirs in this noble work. The more men we have in this garden the better. On behalf of my people and myself I thank the Government and those who were responsible for the appointment, and I say we appreciate very much this signal honour of admission into this beautiful garden of the Legislative Council.

Now I have to come to the proper subject of the debate, which is the consideration of the Estimates. In considering these Estimates I think it is the duty of the Unofficial Members to see clearly the requirements in our provinces so that we may be able to bring them before Government. We are living in an age of democracy, which I take to be the maximum happiness of the greatest number of people in any community and you cannot give happiness to the people if you do not know their requirements. It would be very hard for the Government to legislate for them if their views and wants are not known.

I am borrowing a term from ecclesiastical circles. An archdeacon is said to be an *oculus episcopi*. I take it that a member of this Council is a kind of Archdeacon of His Excellency the Governor, and as such he should be able to use his eyes well in whatever province he is ; therefore he must be in close touch with all the happenings everywhere in his province.

Now the first thing which struck me very much was the item of £4,150 voted for the erection of a Sawmill in my province. We all know that this province has many trees. I have passed that road many times but I did not know it was meant for that purpose. I shall certainly stop there with interest to look and tell my people all about this Sawmill, and I am sure it will be of great advantage to the province.

When considering the Estimates, I noticed that something cropped up in regard to rubber, which our province too is interested in and that again will be of benefit to us.

Another important subject was the fishing industry. From the Ilaje and Makin areas great work is being carried on in this industry. The method of preserving the fish should be taught to the people. You only have to go to the Agbabu market to see the quantity of dried fish taken to other places to be sold. I understand the Agricultural Department is carrying on experimental work as to how to preserve fish for sale. Now if this plan ever matures I would implore the Director of Agriculture to adopt some method of instructing the people which would be of benefit to them, as it was done some years ago, in the fermentation of cocoa.

With regard to the Medical Department, one of the Honourable Members congratulated the Head of that Department in that so many Africans were doctors now under the Government. Well I join in that because we want more doctors; the health of the people is very important, and especially at the present time, when we cannot get Europeans from England, the more African doctors we have the better. In my own province I am sure that two more African doctors can be justifiably employed, so I implore you, Sir, that due provision may be made in this line.

Another thing I was glad to see was the appointment of a Welfare Officer for the Railway; a man who understood the mentality of the people was good, and the happiness of the people would result in much more work from that Department.

I was also glad to find that the Police Department was trying now to attract a better type of young men from the police work. I think this is a very good move. We want our policemen to be well trained and well equipped servants, who know their job.

I come now to an important point, and that is the appointment of African magistrates. Like the appointment of African doctors, this is an excellent thing. I went once to a court to see how an African magistrate would conduct a case. Well, Sir, the way and manner in which that magistrate sitting on the Bench was trying the people brought before him was simply superb. I therefore implore you, Sir, that more African magistrates should adorn the Bench and carry on this splendid work.

A Department in which I am greatly interested is the Education Department and I am putting it last but it is not the least. Unfortunately this Department is not given as much importance as it deserves. It reminds me of the man who had a crooked leg and his load was crooked. When he was asked as to the crookedness of the load on his head, he said that the crookedness of his load started from his feet because his feet were crooked. Likewise, the question of education had been relegated to the background from the beginning. The word Pedagogue was made up of two Greek words; originally a pedagogue was a slave who led a child to his tutor. The work was performed by slaves. The hood which to-day is a mark of honour was a beggar's bag for putting in bits of food given to a professor on his round of visits to teach the sons of the noblemen. The work of a teacher

has been uphill work from time immemorial. This erroneous idea has prevailed even till to-day, hence the hard lot of a teacher.

The war is proving that the work of education should be the most important work undertaken by the Government, judging from the state of Germany and Italy to-day. The right kind of education after the war is most important and I think that is the justification for the Government in interfering with the education of the country. The children of to-day will be the men of tomorrow. I am greatly disappointed that the assistance which is needed in this important work has not been given as it should be.

Last year I went to one village school and I found that Government had given grants to that small village school; to-day that money has ceased. Formerly the appellation of the officers looking after the schools was Inspector of Schools. Later on it was altered to Superintendent of Education. In looking at my Oxford dictionary I find the word Superintendent to mean one who superintends. Of course this is a bad definition logically, the word superintend is explained to mean to take care of with authority. Therefore his activities should be extended also to the Education Department, not to the schools alone. He should be able to induce the Director of Education to offer monetary assistance to any school in need.

I would like strongly to say to these Superintendents of Education "read, mark, learn and inwardly digest the action of the Good Samaritan". A man fell into the hands of thieves and he was severely wounded by them. A priest passed by without taking any notice of him. A Levite showed a passing interest in him; but a good Samaritan came near and dressed his wounds. Although I am a priest myself I would not commend this priest's doing to be followed. On the other hand I would strongly recommend that the Good Samaritan's good behaviour should be followed. Many times these Superintendents of Education would only point out mistakes already known to teachers and managers. Many times the salaries of teachers are not paid, and instead of pointing out these defects already known in their reports, it would have been better and more businesslike to ask the Director of Education for the necessary money to improve these schools.

The Education Department should also follow in the footsteps of the Medical and Judicial Departments. We have African doctors and magistrates, why should we not have African Superintendents of Education. The work of training these men is not as costly or as exacting as that of a doctor or a magistrate, and the posts could quite well be filled by Africans, especially at this time. I therefore implore you, Sir, to give the question of education very serious attention and to give help where it is required.

Before I close I once more thank the Government and those who have made it possible for my province to be represented in this august assembly of Nigeria.

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

Your Excellency, I do not know whether, standing here to-day, I may describe myself as the Senior Unofficial Member, for looking round this august assembly to-day I discover that, apart from Your Excellency, the Honourable Ibo Member and myself, both in the Official and Unofficial Benches, have the longest service in this House to-day. And if, in the course of my debate, I do not describe a spade as an agricultural implement used for tilling the ground, but call it a spade, it is just because that is how I feel at this particular time.

First of all I would like to congratulate ourselves and thank the Government for strengthening the Unofficial Bench by two. In 1939 I took up this question with the Government by private communication, and I am glad to

see that Government have acquiesced to the extent that we now have a member representing Ondo and a member representing the Cameroons. But I went further at the time. I pointed out to Government that to me it appeared a bit ridiculous that the population of the Gold Coast which is below four millions, have several Unofficial Members in their Legislative Council, while in Nigeria the population of the Ibos which is just a little below four million have one man representing the whole of the Ibo speaking people. When I received a letter from Government acknowledging my letter and promising to go into the matter later on, I was expecting that at this time, when an increase was being considered, the Ibo community would be considered too. I did observe the other day that one of our local dailies was shouting about that and I must say I feel he is justified—we cannot have one man representing four million people.

Now, Sir, I must also add to the congratulation and welcome extended by the Member for Ibo to the Honourable the Chief Secretary. Jamaica seems to be the place for recruiting our Chief Secretaries, the last one did so well we look forward to this one doing better still. It is a fact that perhaps we will not always have such stalwart debaters as J. G. Smith etc. in our Legislative Council, but we do our best and think our people are satisfied.

We have had one meeting with the Financial Secretary, and I must say that we were all impressed with his reasonableness, and feel that he will receive from us that co-operation which is due to Government from the Unofficial Members.

The Honourable the General Manager of the Railway we must also extend a welcome to and congratulate him on his appointment. He is a very popular man. As a matter of fact the Railway staff all clamoured for him; they like him and feel that things will go on better now. But I must say that the question of this Welfare Officer puzzles me. It presents a peculiar position to my mind. In effect the Government says "Our servants, the African staff, simply cannot understand us. We are now going to employ another European who will make our servants, the African staff, understand us". Well, Sir, I think it is an anomaly. I should have thought it would have been better for them to nominate one of their senior Africans who would act as a Welfare Officer and a sort of liaison between the African and the Government. But, as I pointed out in Committee, to have a European coming out and saying "Well I am the Welfare Officer and have come out to watch the interests of you Africans..." will create in the minds of my people the thought "This man is paid by Government, a Government servant, also a white man. Isn't he also going to be a delegate, otherwise why should he come; why can't we have our own man". I hope Government will reconsider this question.

Now with regard to the present crisis, I wish to speak under the heading of four M's. I feel that had I been privileged to speak as a Member of Parliament in the House perhaps I would have expressed myself better but speaking as a member of the Legislative Council, in an advisory capacity, I shall endeavour to limit myself as best I can. I feel that the four M's. must be what will win this war, and when I say four M's. I mean Men, Material, Money and Morale. Now, Sir, to discuss the first—man-power. I remember the Honourable Member for the Egba Division—not long ago—harping on this point, urging on the Government to press recruiting in this country, and that some should be sent abroad to train for the Air Force. It would appear at that time everybody was filled with zeal and energy to go forward and win this war. Government, for reasons best known to themselves, were not too keen on recruiting on such a large scale, and the spirit died out and we now

have to start again. I notice from Your Excellency's report that you advocate extensive recruiting, we are going to do our best. But, Sir, when one goes about in the provinces and sees young men who really should be in England now that man-power is required, some of them toying about doing jobs which I feel an African could do; and when, taking into consideration that to-day we have Captains, Majors, Colonels here and these men some of them below fifty, then we recall the Armistice of 1918. These men must have joined the forces at about the ages of eighteen, nineteen or twenty during the last war, and as one doesn't become a Captain in the British Army in a week they must have served a considerable part of 1914 to 1918 before gaining commissions. Well, these men have done their bit in the last war. Now we turn round to the present generation to see what they are doing. They go about, some of these young men of twenty-six to twenty-eight and practically fight with magistrates who are paid to do their job to do Native Court appeals. You say, you must do Native Court cases, and in some instances appeals from Native Courts have been taken entirely from magistrates and handed over to District Officers. I ask the question "Are we satisfied? Are we serious in believing that we are doing enough to win this war?" considering that if the war is lost Nigeria is gone. Or is it because we can get things like butter from Vom, and goods of all sorts in quantity in this country, that we sometimes forget that there is a major war going on in which the heart of the British Empire itself, the seat of everything, is threatened by invasion. I sometimes feel that we do forget because things are very very easy with us out here.

Now, Sir, when I speak of man-power, I am very very serious about this matter. Here in the *Manchester Guardian* of the 29th of January there appeared an advertisement—"Assistant Accountant required for Accountant-General's Department of Nigeria for two tours of twelve to twenty-four months. Salary £400 per annum." I ask the question, if we are serious about this war, and when it came over the radio that if Britain is invaded every man and every woman would be conscripted, which includes my two daughters over there now, are we justified in asking for one man even—for God's sake send us one man—when we have Africans in Nigeria who can do this job. I again ask, are we serious about this war? Have we taken examples from Malaya, Hong Kong and Singapore? If not, it is about time we did.

The next point, Sir, is the question of materials. We have been told that scraps of iron are required in England, and yet if you take your car and travel from Onitsha to Owerri you will find scattered telegraph poles which have been there for two or three years and nobody seems to have taken any notice of them. These are all scrap iron that could be rooted from the ground and shipped to England or used by the Public Works Department or Railway Department. We should practice that doctrine, particularly at this time, when the life of everyone is really threatened of practising what we preach.

The question of money. Your Excellency said in your Address that much more remains to be done and we must not be content with self-congratulation. Later on in the Address I read this and smiled: "The Win the War Fund has now reached £100,000 and Nigeria War Relief Fund is not much behind with over £70,000". Well, Sir, if with a population of twenty millions in Nigeria all we can boast of is £170,000 towards winning the war, and then pat ourselves on the shoulder and say we have done a lot, I think it disgraceful. Last year I think it was, or the year before, I sent privately a letter to the Government and am repeating it here,

Sir. I suggested at the time that Nigeria should run a Sweepstake—a Win the War Sweepstake. We are much too sentimental here, everything is sentiment. The Chief Secretary was all for it, and said that even in Jamaica they have an approved Sweepstake for the Race Club, and strange to say my attention was invited to the fact that another Honourable Member—I think for Warri—had already written about the same thing and pointed out that they had a Sweepstake in one of the Rhodesias. Well Government was again sentimental and said we would be teaching the people how to gamble. And yet there is a Sweepstake at the Race Club where people bet on horses and put the money into their pockets. But, Sir, I say that at a time when there is such a major crisis going on such rules should be relaxed. Imagine the money we would make towards winning the war. We would not only be giving one squadron in Nigeria—we would be giving four or five squadrons if we were to run a Sweepstake in this country. Call it whatever name you like—a Racecourse Sweepstake if you like. What I am after is that we should be able to devise schemes whereby twenty million members of the British Empire could give valuable help. I say people of the British Empire our Empire and when I say our Empire it is because we also have given our blood for the building up of it our grandfathers fought in Ashanti. The Sierra Leone protectorate war was fought by blacks. That is all part of the Empire—one great Empire. And why should we now sit down and toy about things and allow that Empire to be destroyed. The time has come to be up and doing something serious and put aside sentiment. Your Excellency, the time has come to be more practical; we do not know what is coming tomorrow. We read of battleships being lost; we don't know whether we are still mistress of the sea; we don't know whether the Japanese will come here, or what might happen in future.

The question of morale. The other day I was on a little station in the Eastern Provinces. While waiting for a train I overheard a conversation by some people there. One man was holding an Eastern daily paper and there were several illiterate men listening. The conversation was "What is the news to-day". The reader said "Singapore has gone". One illiterate man then said "Which place Singapore? Who live there, white or black?" The reply "White". Then he said "Who take him". The reply "Japan". The retort to that was "I thought that always they say that everything Japan be foolish things. How Japan strong enough to take place where white man live?". The reply that came from the other fellow was this "I am sorry that Japan is on the side of Germany. I wish Japan was on the side of England because I would like England to see what coloured man is capable of doing". I had to go up and give a ten minutes lecture, showing these people, telling them the effect, the origin of the war, and, white colour or any colour, what would be the result if Japan wins the war. I said to them "Japan does not regard you as a brother, it regards you as a black man". Sir, I would like to see more of this sort of propaganda going on. I was surprised to learn from the Information Officer that there is not one Information Officer in the provinces to-day; they are both in Lagos, not one travelling just now. Well we do want them to travel; we want them to raise the morale of the people by telling them things about the war. I know the handful of District Officers are doing their best, and Africans also doing their best. I know several Africans who take it as a duty to visit schools and give lectures, but still there is room for improvement and a lot more to be done in that connection; and I feel that the only way Britain can win this war is by having more men, more materials, more money, and the morale of the people raised. The four M's. And if we wish Britain to win the war, and every man

jack of us has that utmost in his mind, then we must be more practical and less sentimental.

Sir, another point. It may sound strange, but still I would yet have preferred to listen to the Honourable Financial Secretary saying that he was presenting a Budget that would not balance, and it would be impossible to balance it, because we want to make certain extensions in the interest of the war. We were told by His Excellency that when he was in the Belgian Congo he visited a factory there where he saw cotton cloth being manufactured and made into uniforms for the Belgian Army. I ask the question, haven't we got cotton in Nigeria? If we have cotton in Nigeria why can't we also emulate the Belgian Congo. Why can't we say that the Budget presented to us to-day cannot be balanced because we want to import machinery for manufacturing; it cannot be balanced because we are buying machinery for vulcanising tyres. We are controlling tyres now; they are very important items to-day as all our transport depends on them. Why shouldn't Government nationalise certain industries and say "We are going to start now a vulcanising plant to be able to preserve the tyre supplies of this country". What about supplies? Why shouldn't Government take over various industries in this country, nationalise those industries, and take no heed of opposition. If we were told that the Budget would not balance for these reasons I am sure we would all shout hurrah. We want something done that will nationalise industry so that we will have enough in the country not to have to go for it to Great Britain or America. This has not been done, and yet we talk about winning the war.

Another point, Sir. Sometimes I think in a serious moment that we are funny about certain things. Here we have a population of twenty millions. At one time we had to go to the Gold Coast, with a population of three and a half millions, to get our beer supply. Now we go to the Belgian Congo and say "Can you give us beer" and they say yes, on condition that we return the bottles. Here we have everything in Nigeria but can't make our own beer; we must travel round the country for it. And beer is the drink of every European in the country, and also Africans.

Now, Sir, I come to the North. It is a pity that the Chief Commissioner of the Northern Provinces has gone. I would like to know, regarding the royalties received by Government from Plateau Tin Mines, what benefit the native of the Plateau is deriving from these royalties. If we were asked if Government had done anything substantial for these people the answer would be negligible.

The next point I wish to harp on, which I have harped on before and shall continue to harp on it as long as I remain, is that African Government officials who are employed from Sierra Leone the Gold Coast and the West Indies, who take their leave locally, are provided with free transport anywhere in Nigeria. They are not entitled to ocean passage but to free transport in Nigeria. But a Nigerian born is not allowed that privilege; the Government will not allow them to have it. Now to me such a distinction simply amounts to an absurdity. Why should a man who is not a native of Nigeria, who is a Government official and not entitled to free passage, be entitled to free passage when he goes on leave anywhere in Nigeria, and yet a man born in Nigeria is not entitled to it? The latest is that Government can only grant a passage provided the cost of that passage does not exceed the cost of transport to his home if he wants to go to Port Harcourt. I am asking Government to reconsider that now.

Another point, Sir, and that is the method of collecting tax in the provinces: it has been abused by certain people and, I am sorry to say, by certain Administrative Officers. I have in my possession here an assessment

apprentices in some of their workshops as engineers, blacksmiths, carpenters and so on, I am quite sure it would be a very good thing. In reading some of the lives of great men I find that some had not the gift of education, but they worked very hard and afterwards became very great men who were leaders in various offices. So I think if we could arrange to come to an understanding with the technical Departments for the boys of the Cameroons, and Nigeria, it would do a lot of good.

And now to come to medical treatment; in the Cameroons I do not think we have good hospitals. I am pleased to say we now have a scheme in hand for the erection of a new hospital. Of course that is attached to Victoria, but I think in time to come more good hospitals will be erected in my province for the salvation of sufferers.

Sanitation, I must say, is very much required. In Victoria itself we have so many pools of water during the rainy season. The District Officer and others there can testify that we use to have pools for three to four months at a time, breeding mosquitoes. So, when people are brought to my court for leaving rubbish about their compound, I punish them. But at the same time I think the Government might be punished for allowing these mosquito breeding pools to stand for months, which in itself is sufficient to bring about a considerable amount of disease. I hope Government will not forget to arrange in the Cameroons Province more sanitation—the opening of drains—so that the place might become more healthy for Europeans as well as for Africans.

We were talking of roads in Nigeria when I left, and coming here I felt that Nigeria had got the best, because I found roads right to the Northern Provinces. In the Cameroons we have nothing like that, and the people who formerly lived a nomadic life, especially in the valleys and hinterland, who had all their goods there, their few cattle, never bothered themselves to do any extensive farming. But after the intervention of Europeans a few of them started to do farming and so on. You cannot expect these contented people to think about carrying loads, because they are not accustomed to trading, and taking merchandise from one place to another, and reports from Residents will confirm that.

At present of course the people are trying to do their best by selling their goods and becoming middlemen between the merchants and the buyers. But our own people from Victoria District, in their case, I think if we were to have good roads so that lorries might be able to take these people to various places it would be helpful to the country. And of course I understand that the other part of the road between Mamfe and Bamenda has been well worked, although I have not been there, and this other side—Victoria to Kumba—is useful for traffic so far but not completed yet. But the road between Kumba and Mamfe is one of the worst roads. I hope Government will consider trying to overcome all difficulties in connection with the roads and inter-communications of the Cameroons Province.

During the Estimates the Postmaster-General was asked why there were not enough Post Offices in the Cameroons Province. He then replied that if the people would apply for Post Offices to be opened in those remote places in the Mamfe and Bamenda Divisions, that would be done. That sounded quite satisfactory, and I shall tell the people that they had better submit their applications to the Postmaster-General and they would be considered.

Again I go back to roads. In Victoria we are placed at the bottom of the Cameroons Mountain—a volcanic mountain, and we have a lot of stones there. When the Public Works Department started making roads in Victoria, instead of trying to cover these roads properly, by tarring them,

they simply spread laterite over the roads and left them like that. This laterite is not good because one can very easily be injured. And if these laterite roads where people have to walk bare-footed can affect motor tyres, how much more injurious it is to the soles of human feet. I hope that when it is possible to do something about these roads the Engineers will see that Victoria has good roads.

There are a lot of things I should talk about, but I cannot occupy the whole of your time with the Cameroons because I know many others here have something to say. One Honourable Member in his speech mentioned Native Administration. I am a member of a Native Administration, and I am in a way not pleased with all the organisation of it, but I must say I always try to concentrate on my own business and not bother with other peoples' but I think in due course I shall have to think of the defects and many things which I find are not favourable to the people although they are welcomed by them for the simple reason that every and any body will get a bit of money out of it, and so there are many who elect themselves as family heads. They simply go there for making of money and do what they think fit, especially as we are having no higher courts for Natives. We are quite helpless and so there is some dissatisfaction. Although it is a good thing that justice should be spread all over the country, yet I think there must be some control so that the people enjoy real justice.

About taxation. In the Cameroons we start with high taxes, being 8s per caput, and as far as I could gather, the people of Nigeria were only paying about 5s. Well, my people wanted the taxes reduced. We sat over it for quite a long time. The District Officer explained all the conditions to us, and then we came to an agreement that we did not want the tax to be reduced while we had the war before us, because if it were reduced in what way did we expect to help our Government and how could we carry on the war? We are a poor country, and I do not think there is any way we can do more other than helping the Government and ourselves. But after the war we do want to have a chance to revise the rate of tax. I find that the people there are all prepared to give all the help they can to Government for the prosecution of the war. I would not like to talk much about that but I would like our officials there to report the movements of the people and their works which I am quite sure will give the Government an idea whether the people are for Government or otherwise.

Now I must come to a close and will again ask the Government that, although I have been nominated by them, they should give me a chance to come into closer contact with the people in the interest of their improvement and progress, and also give me an assurance that when I bring the conditions of the people before the Government they will be prepared to help. I wish the British Government success. I wish them a still longer life. I know that kingdoms are instituted by God himself, and when I entered this House and found that before opening the Session you bring the business before God by prayer, and that many of the members are religious members, it impressed me very much. We know that when Israel wanted a King Saul was chosen. But Saul was not a righteous King; the Kingdom was handed to David, and later, when he was one of the outlaws, it was handed to Solomon. But Solomon was misled by his idols, he had to join his wives in serving idols. We should therefore thank God for a righteous Government, and hope that the rulers might not take idols, but that they may take into consideration the condition of the weak, the condition of the rich as well as the poor, and arrange things so that every single person in this realm might enjoy peace and happiness.

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

Your Excellency, in supporting the Appropriation Bill I would like to make a few remarks not so much on the Estimates but on other things in general. On Monday, Sir, a motion was tabled by the Honourable Member for Calabar Division regarding Native Courts. Unfortunately that important motion was subsequently withdrawn by its mover with hope that something might be done to ameliorate Native Courts' condition in the remote future. Another Honourable Member from the provinces alluded to the same matter in his speech thereby showing that the unpleasant features in Native Courts which we seek to remedy exists practically in all the provinces. Sir, two years ago I criticised the way and manner in which these courts were being conducted and how corruptions were rife in our Native Courts consequent upon the inadequacy of the salaries paid to the respective presidents of courts and their associate judges. This question of inadequacy of salaries of chiefs was taken back to my province discussed fully and recommendation submitted to the proper quarters but it was at last to no avail. It should not be difficult to fathom the iniquity in the question when it is revealed that sometimes twenty members or more may sit in courts together and be remunerated at the rate of 6d or 8d per diem. It does not require any emphasis that if such a system continues there will never be an end to corruption which we all so roundly condemned. I hope when the time comes to consider this particular question the present system will be jettisoned and a better and less iniquitous one substituted.

Your Excellency's speech advocated increased production of palm oil, kernels and rubber. Sir, two years ago I had to travel the districts in Ijebu Province to advocate the suppression of production of palm kernels because there was no market and no available space in boats; but to-day we are asking that the farmers should produce more palm-kernels. Allow me to quote a portion of your speech—here is the pertinent excerpt to my speech—

“The loss of Malaya as a source of supply necessitates that Nigeria should produce every ounce of rubber it can. Years ago there was a considerable export of wild rubber which must be revived. Most of the wild plants and trees which produced rubber in those days are still in existence and I ask the Honourable the Unofficial African Members to use all their influence to resuscitate the wild rubber industry” I can assure Your Excellency that we the Unofficial African Members of this Council will return to our respective provinces to convince our people of the necessity of resuscitating the wild rubber industry, but we are asking very respectfully, Sir, that our farmers should not be compelled to sell at a loss. I think Government should raise the price of these goods to encourage increased production. The wild rubber to which Your Excellency refers still abounds in the forests. In the past the forests were there for the use of our fathers and they used to produce rubber in plenty for the market but to-day the picture is different because the forests are to-day no longer in our hands. If you advocate increased production of wild rubber you must not only open the forests for the people but must cancel all permits in order to stimulate more production.

Another important point put before the House which has been discussed by members who have spoken before me is Education. Your Excellency, I must confess it appals one to see how our Government handles the question of education. In Europe there is a compulsory education for children, why then should Government not consider the same should apply to Africans. If you can have compulsory education in Europe I do not see why we should not press for compulsory education here. Last year Your Excellency the sum of £26,000 was given to teachers as Your Excellency mentioned in your speech.

Well, that sum of money is very much appreciated, but the teachers themselves, those who have benefited, have approached me and others with the plea that those teachers who are uncertificated should be considered now. I therefore appeal to Your Excellency that this matter be considered and that another sum of money should be provided so as to make provision for uncertificated teachers. As the Honourable Member who spoke immediately before me said, these teachers are doing as good work as certificated teachers; if they are not good why employ them. That was an appeal from a teacher, Your Excellency, and I hope Government will not turn a deaf ear to that appeal. It is an appeal for the education of our children and therefore I hope serious consideration will be given to it.

My next subject is the question of rice. Since I came to Lagos for the sitting of this Session I have been approached by farmers who asked me whether I could not put before Your Excellency the question of subsidising them. In Your Excellency's speech you mentioned growing of rice for the Army. In my own province the people are interested in growing rice but very poor I am sorry to say and they are asking to be subsidised. I am therefore appealing to Your Excellency, although I put the question officially to the Director of Agriculture, that the question of a subsidy be considered.

Council adjourned at 12.30 p.m.

Council resumed at 2.30 p.m.

His Excellency :

The question before Council is that the Resolution of the Standing Committee of Finance should be considered in Council.

The Commercial Member for Kano (The Hon. W. T. G. Gates) :

Your Excellency, our financial position, as shown by the Draft Estimates, is very much more favourable than any of us could foresee or hope for a year ago. I think it is due firstly, to the fact that the Customs figures up to last month indicate that we can count on a very substantial increase in revenue, both over the original Estimate and the revised Estimate approved at a later date. Secondly, the fact that the Railway is going to show a handsome surplus on the year's working. And thirdly to the fact that, in discussing the Estimates for the coming year, the revenue from Customs duties and the royalties on exports of tin, have been included on a conservative basis.

As well as those points it has not been found necessary, and not expected that it will be necessary, to call on the Native Administrations for the contributions which they have already offered.

We can therefore regard our financial position as being reasonably satisfactory. But the increased revenue is largely fortuitous, it has been possible only by the unexpected trend of events and the consequent necessity for drawing on Nigeria's exports of agricultural products for the war. We must not, then, allow a favourable Budget statement to deceive us into thinking that we are doing all we can to speed the war effort. There is a feeling of apprehension and concern, Sir, throughout the Northern Provinces that Government is not doing all it should and could to put war matters first. Perhaps I should say it is felt that some of the Government's officials are not sufficiently conscious of the necessity for putting war matters first, and the representations that have been made to me in several provinces have come from senior Government officials as well as from many members of the unofficial Northern community. I believe it is a fact that circulars of minor importance are still being circulated by some Departments; I heard of a case recently in which a circular letter was sent round, in connection with the demarcation of Forestry Reserves, to the effect that in future, for the sake of

uniformity, a small s in a certain clause should be used in the word " subsection " instead of a large S, and a comma should be substituted for a semi-colon ! In peace time such circulas may be necessary, but we should surely dispense with things of that nature to-day if we are to play our part in this war effort. All other questions but the war should be shelved. Much time and paper, man-power and materials are still being wasted all over the country to a greater or less extent, and it is mainly in connection with such matters as the one I have already mentioned, the demarcation of Forestry Reserves, Fishing rights, regulations made under the Markets Ordinance and matters of that nature. Recent Gazettes are full of typical examples, and all those things are depriving essential matters of the attention they deserve.

The only Department which came to my notice in discussing the Estimates in Finance Committee was the Sleeping Sickness Service, which is at the moment costing us £30,000 a year, though I know that Department is financed from the Colonial Development Fund. But this at the moment is taking the valuable services of fifteen to twenty Europeans which might well be used elsewhere. In peace time it is undoubtedly an admirable service, but many admirable things must be dispensed with now and I feel this is one of the Departments which should be dispensed with for the duration of the war so that the men concerned can be used elsewhere.

The Honourable Member for the Rivers Division has already pointed out that widespread publicity has been given to Nigeria's Win the War Fund, War Relief Funds, etc. In some districts the response has been good, in others surprisingly and disappointingly poor. But the great point that we have to remember is that the majority of us, I might almost say none of us, is financially capable of contributing really effectively to the war in terms of money. What we can do is to prevent waste of time and material, of man-power, waste of effort on non-essentials, and everything we do should be regarded as unnecessary, and should be religiously shelved, if it does not enhance the war effort. If this policy is consistently followed there is no doubt that some injustices may occur; social services as a whole may be restricted, important schemes may be retarded, we may be laying ourselves open to embarrassment and a great deal of hard work after the war. But the war must be won first and, in my opinion, we should subordinate everything to enable us to apply ourselves to make a real effort to achieve that objective.

A surprisingly large proportion of our revenue, Your Excellency, is derived directly or indirectly from trade, and I do earnestly request Government to co-operate closely with the representatives of the firms and to consult them whenever possible and whenever they can usefully contribute to discussions on policy. In the Northern Provinces there has been close co-operation, but I think something can still be done, and for my part I would like to give Government my assurance that when we are consulted we will express our opinions loyally and without self-seeking. The future of the trading firms is irrevocably linked with the future of Nigeria and the Empire, what is good for Nigeria in the widest sense is, in the long run, good for us, and I hope we shall approach all problems in that light.

Now, one of the more important points on which we have to concentrate is a maximum production of certain strategic war materials, and I am particularly interested in the drive to increase the volume of ground-nuts next season. It is of course essential that the organisation necessary for dealing efficiently with the volume anticipated is planned without delay, next season's buying prices have already been published and have been given the widest publicity throughout the North.

But 350,000 tons is going to throw a heavy burden indeed on the Railway, which already has its own war-time problem to deal with, largely due to the

supply position, but even assuming that the Railway can move an average of 40,000 tons of nuts once the season commences, and there may be some doubt about that, the merchants are going to be faced with providing storage for something like 150,000 tons of nuts at the end of March, at a time when storage accommodation is a problem being faced by everyone throughout the country. Provision must also be made for motor transport and for the necessary supervision by Europeans. Sufficient specie must be made available ; we cannot risk a recurrence of the experience in 1936 to 1937 when there was a great shortage of specie, and next season the results might be disastrous. And priority should be given to merchants' requirements of bags and twine from India, to ensure that sufficient stocks are delivered and on hand before the season starts next October. I have no doubt that Government is well aware of these and the other points I have mentioned and that the new Supply Board is taking the necessary steps, but I stress them here as I feel they are of the greatest importance if we are going to produce the tonnage of produce, not only of nuts, but of other produce that is required of us by the Imperial Government.

As far as the Estimates for individual Departments are concerned, these have been examined closely, I think Unofficial Members have expressed their views frankly in Committee, and I can only repeat that I think the Sleeping Sickness Control Service is one Department which might be shelved for the duration of the war.

I do not think I can usefully contribute further to this debate by making any remarks about individual Estimates. I would like to support the motion, Sir.

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

Your Excellency, a past member of this House very aptly described it as the University of Experience, and as a new member of that University I thought that I should learn my lesson in silence until I became full fledged before making an address. But other members who entered at the same time with me took the opportunity this morning, and I think I should not be left behind, so I rise to say what I have to say in the hope that if, in the course of it, I should lapse into unparliamentary expression you will place it on the broad margin of your clemency.

As I am here to-day representing the Colony Division, my first duty is to congratulate and welcome you as Governor of the sister colony of the Gold Coast and as the Officer Administering the Government of Nigeria. Indeed, a past member prophesied that you would come back one day as Governor of Nigeria. Unfortunately he is not here now to see his prophesy fulfilled. But all the same we are all glad to see you back, and, on behalf of the Colony Division, I both congratulate and welcome you back. We wish you well, and the Colony Division desires me to say that when you need relaxation please come over to Badagri or Leke Beach, for the best ozone in West Africa

His Excellency :

I will remember that.

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

Well, Your Excellency, I want to thank you very much for the Divisional Officers that you have posted to our districts. They are men of courage, men of culture and men of courtesy. But one thing we want you to give them, Sir, that is more authority to act and not to refer things to Headquarters before taking action. You send them to us, we hope you trust them, and we want to see that they act as men who are trusted in their business.

Sir, when some time last year His Excellency the substantive holder of the reins of Nigerian Government propounded a scheme for raising £10,000 within a week towards the war effort, I chuckled and said to myself "Here is a man who is going to squeeze oil out of a rock. Let us wait and see how he is going to do it". Well, the colossal success that crowned his efforts during that week is common knowledge to us all. But I feel certain that if he had not very wisely propped up that scheme with two pillars he would have failed to collect the money wanted; and those two pillars were Propaganda and Pageantry. What those two pillars cost I do not know; I have not seen the figures published anywhere. I thought when I saw the Estimates I would see the cost there and also the real amount collected, but I know that it must be very costly indeed. Those who saw what was done during that week told us how very much they enjoyed all they saw. I hope that will be a lesson to the Government, that if you want to get money from the people you have to spend money. According to a native adage "Money is the bait to catch money", and I think it should be the policy of Government to spend more money to get money from the people of Nigeria, and I have been asked to put up a suggestion for your consideration, Sir, that you should give a lead in this way by posing for a photograph of yourself and the first Council over which you preside, and that postcards of this be sold throughout the length and breadth of Nigeria, the proceeds of which should go to the Win the War Fund or whatever fund you think fit for the benefit of the war. I really hope that you will meet the wishes of the people throughout the land.

Sir, in the course of your speech from that throne you appealed to the Unofficial Members of this House to help by speaking to the people about recruiting for the Forces. That is another instance where we want propaganda. I challenge any Unofficial Member who could assure you that he would be able to do what you have asked us to do effectively without it. When you spoke this morning you said we should try our best, and that is all we can promise you. But it is propaganda and pageantry that is needed to give due effect to what you want us to do. Some time ago a propaganda film was shown at a cinema in my district. It was a very good film and I liked it very well indeed, but the result was that I lost three men. One was the tapper of my rubber and I now have no-one to tap my rubber, and the other two were house boys. One said his mother was dying and another said his brother was sick in Hospital. Before long they were in uniform and I could not do anything. I just bring that up to show you that propaganda is the best means of recruiting men in any district of Nigeria. Let some of the boys in their uniforms march through certain districts, let them show their cheerfulness by singing and waving their hands and see how many men you will get within a week. That is what is wanted, Sir.

Your Excellency, here in this House laws are enacted and ratified to affect millions of people in Nigeria. We are told there is no ignorance in law, but how do those for whom we are making the laws know what is being done or what laws are being passed? Well perhaps I shall be told they are being published in the *Gazette*. But, Sir, the *Gazette* is the official organ of the Government and I can assure you that during the past thirteen years since I left Lagos for the Colony District, I never saw a copy of the *Gazette* until I was appointed a member of this Council. How could I expect other people to see the *Gazette* or to know what laws are being passed. But, Sir, I feel very much indebted to the local daily papers for giving us occasionally Laws or Rules or Orders that are being passed which affect the welfare and well-being of the public. In your speech to the public, Your Excellency mentioned the local Press. We all know the Press is very good indeed, and I am submitting, Sir, that all of us in the Colony Division that I am representing

here would like to see that the Government is really supporting our local daily papers. We were very sorry when one of them announced that owing to restriction of the supply of paper it was obliged to cut down the size of its paper. I assure you, Sir, that but for these papers during this war-time we should not have been able to keep the people quiet about all sorts of rumours passing through Nigeria, unfounded rumours. At one time the people were told that Hitler had arrived in England and was having a cup of tea there, and that his next move would be to Lagos. Well the people came to me. Fortunately just about that time I received a paper from Lagos. I told them that it was all rubbish to believe that Hitler was in England, and that it was not in the paper, and they were very glad. Well, Sir, we want you to give our daily paper more supplies of the paper they need to publish news. And not only that. We want you to encourage them to open columns in the vernacular. There is only one vernacular paper, and this cannot compete with other local papers that have a well-known circulation. They go far and wide throughout Nigeria and it would be a very good thing if they had columns in Yoruba, Ibo or Hausa. This is the time for the paper to give us news in every possible way. These local papers are valuable to us. I have mine regularly at 7 o'clock every morning, though I have not been receiving them so regularly down here in Lagos, but I do assure you that we value these papers, and therefore we ask you to encourage the local papers to give us more news. Not only that. The Minister of Information is doing very well in publishing bulletins, but if he were to send some of his publications to the Daily Press they would have a much wider circulation. For every one paper I know there are about ten readers. I hope therefore that this can be done so that the people get all the news possible. Another thing, Sir. When I was young we received news in the market places of the regulations and laws being passed for the people through bell ringers and public announcers. Here in Lagos you have a radio and every day people are kept informed of what is going on. But in outlying districts there is nothing of that kind, and we should like to see bell ringers going about the different markets telling the people of laws and regulations affecting them. When I was at Kaduna I saw a man on horseback telling the people of the new regulations passed by the local Government and it was then I felt that something of the sort should be going on in the Colony Division.

During my tour of the Colony Division, one of the things that the people asked me to stress to Government was education of the people, or, as the Ikeja district representatives put it, "education of the mass." By that they want unfettered and liberal education as in days gone by, the days when Doctor Carr was Inspector of Schools, when people educated children in rural districts without any trouble from the Education Officers. We do need it and we hope that Government will take that into consideration because, as someone said this morning, if in England there is compulsory education, we want our people here to be educated in the same way. But what I understand about education of the mass is different from what the people wanted me to put before the Government, and that is that the word Education should be taken literally, "to lead the people out" of their erroneous superstitious shell. This is the time for it, Sir. The Colony Division is the absorbent of the financial resources of Lagos. It is to the Colony Division that all the monied and literate class go every day, because in the Colony Division we have Ojo, Iworo and Badagri markets. There are also in Ikeja district Imushin, Agege and Ikorodu, Ejinrin, Epe and Ikosi. The people go to these markets every day and during the cocoa season thousands of pounds were spent to purchase cocoa. Well, Sir, where is all that money? I can tell you where you can find it—like the days of Cicero the people bury their treasures in the

bosom of Mother Earth. All the money that comes to the Colony Division is buried in the ground. I had a friend once who is dead now. He kept all his money in the strong room of a mud building, and he camouflaged it by covering the entrance with palm oil and idols, making people believe that he was worshipping his household god. But somehow or other one day some people got to know what was inside, and before day-break (he was an old man) they burgled the place and got out not less than £3,000. All that he had buried there was gone. Then the other day we heard of a chief in Ibadan who was relieved of over £1,000. There have also been cases where people have buried their money and their children have not been able to find it after they had died, and there are still people who bury their money in this way. Well, Sir, I have here some coins to show you that were dug out only last October. I didn't know I was coming to this House but I took them just to convince people that money is still being buried. It is all in sterling silver of Victoria days. I don't know whether anyone would like to see it—I know how much is there.

His Excellency :

I suggest the Honourable Member should pay it into the Win the War Fund.

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

All right, Sir. I say that our people should be educated to bring their money out. There is not a single bank in any part of the Colony Division, but there is all this money lying down below in the bosom of the earth and quite a lot in the purses of the people. We all remember the disaster the other day when a boat sank between Ikorodu and Lagos and so many lives were lost and also a lot of money in the people's purses. Well, you might ask, why don't they take their money to Lagos through a bank. There is no bank. And another difficulty is that they don't trust the banks; the people have the impression that when they put their money into the bank that money is taken for the war. All these things we have to educate them out of. And I should like to know from the Postmaster-General how many indigenous Africans deposit money in the Savings Bank in Nigeria. I am sure it is very few indeed. We must therefore educate our people so that they bring their money to be kept where it would be safe and most useful. We are very thankful indeed for the District Officer you have given us in Ikeja, a wonderful man, a man of experience, who is getting the people to bring their money out, for the first time in the annals of that district: in a way peculiar to him alone he has raised £3,000; more than the estimate of what was expected to be needed from the people in taxes. He raised all that money without a single prosecution, whereas last year 500 summonses were issued to get people to pay their taxes. That is what I mean by educating our people to get their money out. We Africans do not like to give out our money, we believe in keeping it. You Europeans believe in spending it. Well to get it out you have to educate us.

Then again there is another line of education that I should like to bring before you. We are thankful to the local press for telling us what the Medical Officer of Health tells the public of Lagos. Among other things they told us that palm oil chop and other things were very good for us. Well, I was taught when young that to be a good Christian one must not eat palm-oil chop on Sundays. And so, if we wanted to take palm-oil we had to be very careful not to tell the minister of our church about it. And we were also told that if we wanted to put palm-oil into Christian chop we must bleach it first. When you bleach it and fry your fish or meat in it then you become a very

good Christian. Now we are told by the Medical Officer of Health that palm-oil is very good for us, that it is richer than cod liver oil and therefore very good for school children. Well, the people up to now have thought that unless you ate bread and butter and all English food you would never be a gentleman. We are thankful that the time has come when palm-oil is being commended to us, and I am asking, Sir, that the Minister of Information should have this news published in Yoruba and any other languages and sent throughout the length and breadth of Nigeria to educate the people to know the value of the native chop they eat. We want it very badly indeed, and I would ask the Director of Medical Services, through you, to organise researches into our native roots and plants about their medicinal properties. Now we are being told in our dispensaries that they could not get drugs. We know there is a shortage of quinine. But we have our native quinine. A European told me that the bark of wild rubber is the best remedy for dysentery. I believe he used it himself. Well, Sir, we want the Director of Medical Services to organise researches of this kind as war measures, which may be of help to Government and also to the people, by commending their native medicine to them.

One thing more. The Medical Officer of Health might tell us whether there is any vitamin in palm wine, which of the following: palm wine, beer, whisky and soda or gin and bitters has the best vitamins. We want to know this in the interest of our well-being in this part of the world.

Then again there is one word in use to which I should like to call the attention of the House, through you, Sir, and that word is "native". I have seen it in print in the Estimates and in different publications of Government. Well I have no quarrel with that word, Sir, since it denotes that I was born in Lagos, God's loveliest spot in blessed Africa. I have tested my feelings and temperament with three words. The first is Lagosian. I put it down "Thomas Adesina Jacobson Ogunbiyi Lagosian of Lagos, Lagosian of Yorubaland, Lagosian of Nigeria, Lagosian of Africa". Well, I did not like that expression. Then I put down "Thomas Adesina Jacobson Ogunbiyi, African of Lagos, African of Yorubaland, African of Nigeria, African of Africa". Well that looked a bit better, but when I put down "Thomas Adesina Jacobson Ogunbiyi, native of Lagos, native of Yorubaland, native of Nigeria, native of Africa," I welcomed it far more than any other expression. I am proud that I am a native of Lagos, and I sealed the fact about the year 1880 by swimming across the Lagoon from the house where I was born to Iddo Island according to the custom of those days. And in 1906 I attempted the feat again by jumping into the Lagoon midstream and swimming to Ijora. Well I did that and was glad indeed to be able to say that I am still a native of Lagos. But, Sir, when I see that word used as an adjective to qualify authority and administration I am not so sure about it. 'Native authority' is a tantalising expression. I hope the time will never come during my lifetime, but if it must come I beg you, Sir, to have me enrolled now, when you are ready to hand over the Government to natives to exercise authority over the land again as in days gone by, to go with you and all English people wherever they go.

Then again, Sir, "Native Court". I do not know the meaning of that expression. I fail to know it, because I said to myself if it is a court presided over by Native Authorities, the courts being presided over by African magistrates must be native courts, and I don't think you will accept that. Then you might say that it is a court where native law and custom are being administered. Well if I came to this House before visiting the Colony Division I would give the Government the benefit of the doubt, but after going to see these courts sitting I left them with the impression that they

are hybrid courts and a travesty of English Law Courts. A Native Court as I knew it was very different from what I see now all over the country. To begin with a native court has no roof, it is always held in the quadrangle or square of the paramount chief of the place. The accused has to kneel before the people assembled. The paramount chief presides and his subject chiefs all sit round him. There is no prison and when a man is condemned he is either put in a dungeon and starved or tortured to death, or used as a sacrifice. Here in Lagos, almost in front of the house where I was born, there was an islet where people used to be sacrificed in the most terrible manner. They had spikes put through their bodies, which were exposed on a line for people to see. Then in a place like Ijebu Ode people would be buried in standing posture up to their necks, the head being left exposed for birds of prey to finish them off and there were various forms of torture in different parts of the country. All these things the words "Native Courts" bring back to me, the detestable enormities of days gone by. I hope, Your Excellency, you are not going to take us back to those days. This morning we are told by an African Unofficial Member that we should revert to the old law "An eye for an eye, a tooth for a tooth". This and other recently published happenings in different parts of Nigeria go to prove that British Government and all European missionaries or missions at their best have succeeded only to suppress the instincts of fiendish cruelty and barbarity innate in us Africans; they have failed to kill or annihilate them. And therefore I beg, Sir, that the word "Native" should be dropped from court, Authority or administration, and another word found to qualify each.

Sir, with regard to the Estimates. Well, I knew Lagos when all this part was bush infested by wild beasts, and look at it now. What has given us this imposing and beautiful building; what has changed all Lagos from the house where I was born to the Church where I worshipped, the swamps we had to wade through to get from one place to another? What could have brought all that about but for the money that Government has spent. It has been very well spent indeed and we are very proud of the way Lagos has been developed and of our Government. Since the advent of Government the natives have been satisfied in taking only "the crumbs from the table". Well, Sir, I say give us fat crumbs. I don't say pay us equally with Europeans, but let what you pay us be as high as possible, and don't keep down those you have promoted to high posts. In Finance Committee the other day one member thanked the Financial Secretary for the comprehensive way in which he handled the Estimates, and the Financial Secretary's reply was that he didn't deserve to be thanked, he was paid for doing it, or words to that effect. Well, I felt at once that I would like to vote more money for him. And at the same time there was a native clerk behind him supplying him with ammunition with which he was plying us, and I thought that he also should get more money.

We are thankful to Government for what has been done for us, for giving us the Lagos in which we are to-day, therefore with all pleasure I heartily support the Estimates that you have placed before us.

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

Your Excellency, allow me, Sir, to offer you my sincere congratulations on your appointment as the Governor and Commander-in-Chief of our sister Colony of the Gold Coast. Allow me, also, to extend to you, on behalf of my constituency of the Lagos township, a hearty welcome to Nigeria in your present capacity as the Officer Administering the Government. Both Lady Burns and Your Excellency are old friends who have endeared yourselves to Nigerians, and, I am sure, all Nigerians wish you health and success both here and on the Gold Coast,

I wish also to associate myself with the welcomes extended by some of the Unofficial Members who had spoken before me, to our new Financial Secretary and our new Chief Secretary. All the Unofficial Members appreciated very much the wealth of experience and uncommon breadth of view which the new Financial Secretary brought to bear on the difficult tasks before the Finance Committee last week and the able manner in which he conducted the business of the Committee.

With regard to the new Chief Secretary, although I have not had any direct dealing with him since his arrival, I have been very much impressed by his earnestness and the way in which he has, so far, handled matters in the House. I do hope he will be allowed to stay longer with us than either of his two predecessors in office who shared between them less than six years' service in Nigeria. I do not want to be understood as not wishing him promotion, I certainly wish him advancement but I would like that first consideration be given to the best interests of the country. I feel that where, as was the case, each of his two immediate predecessors spent less than two tours in this country, Nigeria could not be said to have derived full advantage and benefit from their personal study of her local needs and problems. It is for this reason that I wish our present Chief Secretary would stay longer with us.

Your Excellency in your speech referred to the fact of your being a foundation member of the present Legislative Council. To me, it seems significant that you have come back here to preside over the present session of the Council held on the eve of its coming-of-age. This Council has seen a lot of changes since its inception some twenty years ago; the Unofficial Side of the House has gained in strength but it is not yet fully representative of the country. With the intimate knowledge of the country possessed by Your Excellency, I think, Sir, you will agree that this Council is not yet fully representative of the different interests in the country. Many places and areas are not yet represented and from some of these there have been insistent demands for unofficial representation in this House. I believe one of the gestures of goodwill which Government should make as the Council enters its twenty-first anniversary is to concede the requests now being made for more unofficial representation and, after the war, re-constitute the Chamber in such a manner as would secure unofficial majority to the country.

I now come to finance. As Honourable Members are, perhaps, aware, with the exception of a short period of some eighteen months in 1936 and 1937, Nigeria had suffered constant decline in revenue for some ten years past. During 1936 and 1937, when there was a slight boom in trade, many thought that good times had returned, but they were soon undeceived when in 1938 a decline in revenue again set in and continued until the outbreak of war in September 1939.

I remember the first Budget Session I attended in March 1939. His Excellency the Governor then painted a gloomy picture of the revenue prospects and the Honourable Financial Secretary, the late Mr Bayles, warned us of the uncertainty of the financial outlook. In the following year, the 1940-41 Estimates presented were said to represent a balanced Budget but this was severely criticised as Government had to get a loan of a large sum of money from Native Administrations in order to balance the Budget. This was the state of affairs when the war broke out; there was uncertainty, doubt and gloom with regard to the financial prospects. No one ever thought that our revenue would rise to anything like our expenditure or that we should ever be able to balance our Budget. Fortunately, our worst fears had not been realised; shipping has been good and the ground-nut season has, also, been good and to-day we are hopeful that we shall be able to meet all our

“ Church and State ought to work together to fight what might become a great evil ; a situation such as we have in South Africa and Southern Rhodesia must not be allowed to develop in tropical Africa.”

I do not know whether the position here can ever be as bad as in Southern Rhodesia or South Africa, but I bring this point forward in order to call attention to a situation which can be best illustrated by the example of Onikan Hospital. This hospital (now known as the European Hospital) was originally built by Doctor Gray, a private Medical Practitioner. Doctor Gray was treating both Africans and Europeans in that hospital and anyone who was able to pay the fees could go there and get treatment, but it is significant that immediately this hospital changed hands and was acquired by Government with the tax-payers' money to which both black and white contributed, Africans were banned there. Why, I ask, should Africans be banned ? Syrians go there, Lebanese go there, white non-British subjects go there and they all receive treatment ; and if Africans are similarly able to afford the fees charged, why shouldn't they go there for medical attendance ? I feel we should all work for closer contact and co-operation and so be able to say with justification that the British Empire stands for equality.

There is a burning question with landlords in Lagos which I would not feel justified in omitting to invite attention to. I refer to the question of possession fee. Fifteen or more years ago, any landlord whose tenant fell into arrears with his rent for, say, three months, had only to take out summons and ask for an order for recovery of possession. To-day, that is all changed. You cannot now get an order for possession except you pay in addition to the summons fee, a possession fee of twenty shillings. Should the tenant refuse to obey this order for possession, the landlord has again to find a sum of fifteen shillings to obtain a writ to eject the tenant. In some countries, most of the houses are owned by capitalists who can afford readily to pay such high charges, but in a place like Lagos, where a large number of landlords have to let out one or two rooms in their premises in order to get a little money to help pay the rates or the school fees of their children, great hardship is caused small landlords by having to find these fees before they could eject defaulting tenants. I would, therefore, ask that Government consider the question of reducing possession fee, say, by half. Now that rates on properties in Lagos are to be raised and the landlords have to pay these increased rates, it is going to be a real hardship on landlords, if tenants are allowed to do just as they like because landlords are unable to find money to pay these high fees.

I now come to the Prisons Department. I would here draw attention to the fact that the rates of pay of Warders have recently been reduced by 14 per cent to 35 per cent. What is strange about this is that, just now, the Prison Authorities insist on engaging men with higher educational qualifications as warders and utilising their services as clerks ; as a result the number of clerks previously engaged in the Department has been reduced. It seems to me hardly reasonable that when higher qualifications are required for a post the salary of that post should be reduced. I hope Government will see to it that this state of affairs is remedied.

I now come to the question of pensions instead of provident fund, for the African Staff of the Railway. I shall, of course, be told that this question had been considered time and again and finally settled. But, I submit, Sir, that “ no question is settled until it is settled right.” When this question was raised here not long ago, it was stated that Government was being guided in this matter by the views of a Railway expert appointed by the Colonial Office to report on the East African Railways and that the recommendation of this expert was to the effect that pensions be granted only to Railway staff

recruited from overseas and provident fund for those locally recruited. Colonel Hammond, the Railway expert, appointed by the Colonial Office to report on the Nigerian Railway some eighteen years ago, recommended that the European Staff be placed on provident fund, but if this cannot be done, the African Staff should, as a matter of equity, be also given pensions. There seems to me to be no reason why the African Staff of the Nigerian Railway should not be allowed pensions and why Nigeria alone of all the West African Governments should elect to provide provident fund and not pensions for its Railway African Staff.

I congratulate the new General Manager on his appointment and on his liberal policy as exemplified by the training schemes for the technical branches of the Railway recently published in the *Gazette*. I have always felt that it was not beyond the capability of the Railway Management to evolve schemes whereby Africans could be sufficiently trained to qualify for superior appointments in the Railway technical branches. It will be remembered that I advocated for such training schemes at the last Budget session.

It is a matter of regret that His Excellency the Governor is away on furlough. When the Council met in September last, His Excellency took Unofficial Members to task for rejecting Government proposals to create Intermediate posts in the Clerical Service. I would not say anything in reply to-day as I feel it is not proper to do so when His Excellency himself is not here. I only want to say that the time has come when entrance to the African Clerical Service should be gained as a result of a competitive examination. It would be more satisfactory to all if such a competitive examination is instituted. Besides, it should in my opinion, be possible by this means to raise the educational standard of candidates for the African Clerical Service.

I should like to support the remarks of the Honourable Member for the Rivers Division with regard to the grant of concession to African officials who are non-natives of Nigeria of free transport by Railway and Government steamers to any part of Nigeria while on leave. Africans who are natives of Nigeria do not enjoy such privilege and I wonder whether this is a case in which "a prophet is not without honour except in his own country."

Another point, Sir, to which I should like to invite attention is the question of African women employees travelling third-class on trains. I drew attention to this question while discussing transport in the Finance Committee. Take, for instance, the case of a girl from Queen's College appointed as a midwife at the age of twenty who was sent to Maiduguri. That girl had to sit in a third-class Railway carriage for three days and nights among all sorts and conditions of people. She had been brought up in a different social atmosphere and should be given better consideration when travelling. I submit, Sir, that it will reflect the greatest credit on this Government if it adopted the policy of granting all African women employees second-class passages.

Your Excellency, I now come to the question of the prisoners connected with the Ilesha riots. Last year, I urged in this Council for the appointment of a Commission of Enquiry into the cause or causes of the Ilesha riots, but the Acting Chief Commissioner, Western Provinces, said that Government was not prepared to do this. I am not pressing this point to-day. We all appreciate the steps Government have taken to 'throw oil on troubled waters'. The new Council at Ilesha has been very popular and for this I heartily congratulate Government. But the Ilesha people still feel deeply grieved and are not yet satisfied in that they have petitioned Government more than once for the release of those imprisoned in connection with the riots, but with no result. The thirteen men still in prison have, I am sure, learnt their lessons. I am asking very respectfully that, in appreciation of the willing

and ready co-operation which the people of Ilesha have given since the riots, Your Excellency may be pleased to exercise your clemency and grant the humble prayer of the people of Ilesha in this matter.

Native Administrations. We have been often told in this House that Native Administrations are an integral part of the Government and this being so, it is, I believe, the duty of the Central Government to guide, advise, direct and, if necessary in the interest of justice, control these Native Administrations. About four years ago, when questions were asked in this House as to the non-admission of Africans into the executive side of the Administrative Service, the reply given was to the effect that it is to the Native Administrations that educated and intelligent Africans should look forward for advancement in this direction and that, if educated Africans desired to be of service to their country in the Administrative sphere, their proper course would be to join one or the other of the Native Administrations. This being the policy of Government, it is its duty to see that any educated African who enters the service of a Native Administration is not only properly treated and encouraged but is also well provided for on retirement.

A case has just come to my notice of an African barrister who was employed as a judge—in fact, the Chief Justice of Egba Native Administration which is regarded as one of the most progressive Native Administrations in the Western Provinces and as such is expected to lead. Some years ago, this Native Administration took the bold step of inviting a barrister from Lagos to take up the post of a judge. This barrister did excellent work as President of Grade "A" Court, Ake, Abeokuta for twelve years but in the end was retired with a mere pittance.

I will now read a telegram sent by the Secretary, Southern Provinces, to the Resident, Abeokuta, to show the high appreciation of this judge's ability and integrity by His Excellency, Sir Donald Cameron, on his visit to Abeokuta in the year 1933.

The telegram reads —

" 2337/7859 x Your C37/31 of 3/6/33 x Ake A Court x as mark of goodwill to Alake's Administration x appreciation President's Judicial capacity Governor has approved Ake A Court may hear following cases x counterfeiting coin x obtaining goods by false pretences x unnatural offences x Defilement of girls x procuration x rape x bigamy x defamation (documentary only) x forgery x corrupt practices x conspiracy x perjury x official corruption (Nadmin. employees only) x All offences against Nadmin Revenue x Southern x 17.7.33."

It will be seen that because of this judge's integrity and capability his duties were substantially increased nine years ago but no increase was made to his pay. Now this man retired after twelve years' service and was only awarded a gratuity of £166 13s 4d *i.e.* four months' salary.

This certainly would not encourage educated and intelligent Africans to enter the service of Native Administrations.

In September, 1940, I asked, *inter alia*, the following question :—

" (a) Are Native Administration officials who have not the advantage of contributing to a provident fund eligible for any retiring allowance or gratuity, as the case may be, on retirement due to old age, sickness or retrenchment ? "

The reply given to this question in January last year reads :—

" (a) and (b) There is no scheme for the award of retiring allowance or gratuities to Native Administration officials, but the possibility of instituting a provident fund is under examination."

To-day, I asked the following questions :—

“(a) Whether Government is aware of the fact that on his retirement from the service of the Egba Native Administration after a period of twelve years as President of Ake Court, Grade A, Mr. A Folarin was granted a gratuity of £166 13s 4d equivalent to four months' salary ?”

“(b) Whether Government does not consider such an award inadequate and unjust ?”

The replies given are :—

“(a) Yes, Sir.”

“(b) No, Sir. The gratuity of £166 13s 4d awarded to Mr. Folarin by the Egba Native Administration is the maximum amount for which he was eligible in respect of his twelve years' service under the rules in force at the date of his retirement from the service of the Native Administration.”

I have already put in a supplementary question as to when the rules referred to were passed and whether they were published in the Egba Administration Bulletin.

It is significant that when Mr. Folarin petitioned Government about the smallness of the gratuity awarded him on retirement, it was never pointed out to him that the gratuity awarded was in accordance with the rules in force : it was only stated that the pension rules of the former Egba United Government were not applicable to him.

I commend the whole matter to Your Excellency's sympathetic consideration. It is a matter of far-reaching importance, being one which would tend to discourage educated and intelligent Africans from entering the service of Native Administrations.

Your Excellency, I have already taken much of your time and I apologise for doing so.

Council adjourned at 4.35 p.m.



Debates in the Legislative Council of Nigeria

Tuesday, 24th March, 1942

Pursuant to notice the Honourable the Members of the
Legislative Council met in the Council Chamber, Lagos,
at 10 a.m. on Tuesday, the 24th of March, 1942

PRESENT

OFFICIALS

- The Officer Administering the Government,
His Excellency Sir Alan Burns, K.C.M.G.
- The Chief Secretary to the Government,
The Honourable A. W. G. H. Grantham, C.M.G.
- The Chief Commissioner, Northern Provinces,
His Honour T. S. Adams, C.M.G.
- The Chief Commissioner, Eastern Provinces,
His Honour G. G. Shute, C.M.G.
- The Acting Attorney-General.
The Honourable G. L. Howe.
- The Financial Secretary,
The Honourable C. R. Lockhart, C.B.E.
- The Acting Director of Medical Services,
Dr. the Honourable G. B. Walker.
- The Director of Education,
The Honourable E. G. Morris, 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, Plateau Province,
The Honourable E. S. Pembleton, C.M.G.
- The Senior Resident, Oyo Province,
The Honourable H. F. M. White.
- The Senior Resident, Owerri Province,
The Honourable F. B. Carr.
- The Resident, Benue Province,
The Honourable D. M. H. Beck, 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 J. J. Emberton, M.C.,
(Extraordinary Member).
- Captain the Honourable E. A. Miller,
Acting Deputy Financial Secretary (Extraordinary Member).
- The Honourable G. B. Williams, M.C.,
Commissioner of the Colony (Extraordinary Member).
- The Honourable C. H. Croasdale,
Inspector of Labour (Extraordinary Member).

UNOFFICIALS

- The Member for the Ibo Division,
The Honourable B. O.-E. Amobi.
- The Member for the Rivers Division,
The Honourable S. B. Rhodes.
- The Member for the Warri Division,
The Honourable A. Egbe.
- The Member for the Oyo Division,
The Honourable N. D. Oyerinde.
- The Banking Member,
The Honourable D. D. Gibb.
- The Member for Calabar,
The Revd. 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,
Lieut.-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 Third Lagos Member,
The Honourable Ernest Ikoli.
- The Member for Shipping,
The Honourable G. H. Avezathe.
- The Member for the Colony Division,
The Revd. and Honourable T. A. J. Ogunbiyi.
- The Member for the Egba Division,
The Honourable Olaseni Moore.
- The Member for the Ondo Division,
The Revd. and Honourable Canon M. C. Adeyemi,

- The Member for the Cameroons Division,
The Honourable J. Manga Williams.
- The Commercial Member for Calabar,
The Honourable W. V. Wootton.
- The Commercial Member for Lagos (Provisional),
The Honourable E. H. L. Richardson.
- The Commercial Member for Port Harcourt (Provisional).
The Honourable F. Edmondson.

ABSENT

OFFICIALS

- The Chief Commissioner, Western Provinces,
His Honour G. C. Whiteley, C.M.G.
- The Senior Resident, Cameroons Province,
The Honourable A. E. F. Murray.
- The Senior Resident, Kano Province,
The Honourable J. R. Patterson, C.M.G.
- The Senior Resident, Sokoto Province,
Commander the Honourable J. H. Carrow, D.S.C., R.N.
- The Resident, Katsina Province,
The Honourable R. L. Payne.
- The Resident, Adamawa Province,
Captain the Honourable E. W. Thompstone, M.C.
- The Resident, Zaria Province,
The Honourable F. M. Noad.

Prayers

His Excellency the Officer Administering the Government opened the proceedings of the Council with prayers.

Confirmation of Minutes

The Minutes of the meeting held on the 23rd March, 1942, having been printed and circulated to Honourable Members were taken as read and confirmed.

Questions

Note.—Replies to Questions Nos. 56 and 57 by the Honourable the Member for the Oyo Division, Questions Nos. 62-70 by the Honourable the Third Lagos Member, Questions Nos. 71, 74, 75 and 80 by the Honourable the Member for the Ibo Division, Questions Nos. 85 and 86 by the Honourable the Member for the Ijebu Division, of the 16th of March, 1942, and Question No. 88 of the 17th of March, 1942, by the Honourable the First Lagos Member, are not yet ready.

Resolution

His Excellency :

The question before Council is that the Report of the Committee to consider the Draft Estimates should be considered in Council. The Debate will proceed.

The Second Lagos Member (The Hon. Jibril Martin) :

Your Excellency, permit me to congratulate you on your promotion to be Governor of the Gold Coast. I consider it a special privilege to congratulate Your Excellency. I have known you, Sir, for several years, and I have always thought that one day you would be Governor of Nigeria. Well I am not a prophet, but Your Excellency is now the Officer Administering the Government of Nigeria, and you have our warmest welcome in coming back to Nigeria, even for a short time.

I have to join the chorus of congratulations and welcome extended to the Honourable Chief Secretary and the Honourable Financial Secretary. Although the Financial Secretary told this House that he was only doing his duty I feel he is doing more, because, although he has been here for such a short time, he seems to have a remarkable grasp of the intricate problems of the finance of Nigeria and his ready replies to the questions of the Unofficial Members were much admired.

Some of the members have already expressed their opinion that it would have been a very good thing if a Head of a Department held his post for not less than five years, because as soon as we begin to appreciate his good qualities something comes along to take him away from Nigeria. Of course we cannot stand in the way of promotion of any Heads of Departments but at the same time I think from the lessons we are learning from the war that it would be better to keep our key men in their posts for some considerable time before they leave the Colony.

As my Honourable Friend the Member for the Rivers Division said in his own fashion, we should have four aims, *i.e.*, men, materials, money and morale. We shall need them for the prosecution of the war to a successful end. I am not however concerned with four aims, I am concerned only with two, and those are men and materials, that is the sources of materials. Now, when war broke out, much was needed from all dependencies; but Nigeria, with its tropics and its backwardness, had nothing to offer the Imperial Government but profusion of work. We had no men, no materials to offer. We regret that we are not doing as much as we ought to have done, because Nigeria with its size and population is second to none but India, and we know that India has done a great lot towards the prosecution of the war with men and materials. But if it were asked if it was the fault of Nigeria that we are not in a position to contribute sufficient, I would say no. I would say it is more on account of our policy during peace-time. Your Excellency has described the policy which has been pursued for many years and that is the policy of holding a watching brief between Nigeria and vested interests. That is quite true. Before the war it was never dreamed that our products in Nigeria would be consumed, even by Africans, but now during the war what have we? We find that butter which is produced in Nigeria is as good as butter imported from England or any other place. So, as Your Excellency has put it, the position now is not only a watching brief for Nigeria, the position now is to control the trade of Nigeria and control the material resources. I say that all Government Departments, in order to carry out the policy of Lord Moyne's despatch, must think along the lines of making Nigeria a self-supporting country, both in material and personnel. It is quite sufficient for every Head of Department to make that his aim and object. I agree with the adage that Rome was not built in a day; Nigeria cannot help England in a day, but the building of Nigeria should start now. We have learned a great many lessons from this war, and it is for us to keep those lessons before us, and to build a solid foundation for Nigeria, so that after the war Nigeria will stand on its own legs and will be able to send supplies from its vast resources both of men and material.

Now, Your Excellency, I am very sorry indeed that here in Nigeria we have no real army to assist the Imperial Government in driving out the German hordes. Few people would understand if we said that there is a Nigeria Regiment. We have no Army whatsoever in the sense that all the officers and Non-Commissioned Officers of the Nigeria Regiment do not belong to that Regiment but they are officers and Non-Commissioned Officers of Home Regiments sent for service to the Nigeria Regiment. Now we have been in contact with the British Government several years, and we know something of the other foreign powers, but I don't think there is anyone in Nigeria would wish to be under any other Government but the British Government. They say trust begets trust. Well, if we are British subjects we must not only enjoy all the privileges of the British but we must also saddle ourselves with their duties and responsibilities. I am sorry that up to the present there is no Regiment going out of Nigeria to fight. So my remarks are reduced to these—that we must try to preserve our material resources and also control our personnel.

I come now to the question of debating the several heads of the Estimates. In the case of Agriculture, my idea is that having the necessary figures before us and having hopes of getting the necessary results, whatever monies are to be expended in order to achieve those results should not be denied, particularly at this time of the war. I expressed this view before and I still maintain it, that as long as we understand how this money is being spent we should not oppose the spending of that money to achieve the desired results. As regards the Agricultural Department, I do not think too much money could be spent over the cultivation of agriculture, because Nigeria is an agricultural country, and the wealth of the country lies more in agriculture than in any other source, except mines. This Department is making great strides now, and I only hope that immediately after the war this will continue until the necessary aims and objects are attained, namely to make Nigeria a self-supporting country. Trading schemes should be evolved whereby Africans would be trained in tilling their land. We are a backward race, and although no doubt we have some idea of tilling the ground we do not know the best means of doing so. Although we can produce raw materials we cannot produce the finished products from those raw materials. Up to now farmers have been growing cocoa, but very few of them know to what use it is put. We know that in many cases raw materials are exported from Nigeria, and imported as finished products. The lessons we have learned in this war should make us rely on our resources, if Government would attempt to do something. I do not mean that raw material should not be exported outside Nigeria, but in several countries they make use of their raw materials, and only export what is surplus. I think if we were to do that here we should soon have a new Nigeria.

Your Excellency, I come to the Nigerian Railway. We are very thankful indeed for the establishment of certain trading schemes introduced by the General Manager of the Railway; there is no doubt it is a move in the right direction and I hope the other officers will rally round to make them a success. It is one thing to make a scheme on paper and another thing to have loyal officers who will support the policy laid down. I sincerely hope that something will come of these schemes and that they will contribute their own quota towards making Nigeria self-supporting.

As regards the increase of passenger fares, your Excellency touched on this in your address and gave your views why it was necessary to increase railway fares. Much as I sympathise with the reasons given, Your Excellency, I do not think this sentence should have been allowed. "The increases in

passenger fares recently announced are designed primarily to restrict the use of the Railway, all available rolling stock being needed for essential transport in connection with the war effort”.

Your Excellency, immediately after the outbreak of war, in order to divert motor transport for the use of the military authorities, it was necessary not only to control the sale of motor vehicles but also to control petrol. No permit whatever was given for the purchase of motor vehicles by those who were transport contractors, and the people of Nigeria were encouraged to make use of the Railway as much as possible. Now the Railway turns and increases passenger fares so that the people should use the Railway as little as possible. The people find that very difficult to believe, so I respectfully ask Your Excellency to go into the matter and to reduce the present fares.

The first Lagos Member has already touched on the matter of pensions as opposed to the provident fund. Your Excellency, as it was mentioned by him that no question is settled until it is settled right, until this matter is probed into by Government on the lines of the debate which took place some time last year, I think Government will not be justified in still denying pensions to African employees of the Railway. When I say African staff I do not mean those to whom the advantages of the provident fund were extended only a year or two ago, I mean those people who had enjoyed the privileges of the provident fund before the new Ordinance was passed and those who have been clamouring in and out of season for the pension to be extended. I was one of the speakers during the debates, and I can assure Your Excellency that the answers on the other side of the House were not at all convincing. What made it worse was that one answer was that it was still the policy of the Government not to extend the pensions of the African staff, and yet it was within the knowledge of Government that the African staff of the Gold Coast Railway enjoyed pension privileges. The position was investigated in 1927 but it was decided that for commercial reasons Africans should not be given pensions. The same reason should have been extended to the European staff who enjoy pensions. The method of granting a lump sum under the provident fund is not a good one. There was the case of an individual who was given a grant of £1,000, and within five years it was all gone and he is now seeking employment. There is absolutely no doubt whatever that a pension scheme is more advantageous than the provident fund. And Your Excellency a significant point is that in most cases the pension which would be paid to the African staff would not be as much as the provident fund would pay in a lump sum. So there are many phases which recommend the grant of pension privileges to the African staff instead of the provident fund, and I therefore appeal to Your Excellency to reconsider this question. I am sure that the present General Manager of the Railway will sympathise with the African staff and recommend that such privilege should be afforded them.

Now I come to the Education Department, Sir. Well, I have to congratulate the Honourable Director of Education for the successes which have appeared in the Press of those who have taken their Intermediate examinations in Science and Economics. They show what kind of work is being done and also justify the existence of Yaba Higher College. Education has no limits. But I have to complain of the system whereby as soon as a holder of a post is qualified in that post he then goes somewhere else. That system should be discarded and a new one adopted. I endorse also the remarks made by the First Lagos Member that if there is no handicap to it the money received from the Colonial Development Fund should be used mainly to further the development of education in Nigeria. Your Excellency, I also wish to thank the Director of Education for making provision for two

Education Officers, but I still think there is room for improvement. With the materials at present in his possession I think there is sufficient talent from which he could draw to select Education Officers. I know that he has tried African teachers in his Department who can be entrusted with the work of education, particularly in the present crisis when you can hardly get anyone to take up appointment. He has no European officers to fill vacancies, on the contrary he has had officers seconded to other Departments, so the only thing which remains is for him to draw upon the personnel he already has and pick out the best of the lot to be entrusted with responsibility. I respectfully submit that the non-possession of a degree should not be a bar to an old and tried servant being given promotion. I have no quarrel whatever with the two appointments made, for those two appointments both happen to be scientists, who are much needed in Nigeria. We should try to produce as many scientists as possible here, and to achieve this task I think co-operation with the Africans is needed.

I come to the Medical Department, Sir. This Department is as important as any other because it is concerned with the health and efficiency of the country, and of late Your Excellency will be aware that there is a training school at Yaba for medical students. Now when the student leaves the school he is given an appointment by Government, as Assistant Medical Officer or Medical Assistant, and under the Ordinance he enjoys the same privileges as any other Medical Officer, *i.e.* he is entitled to be called Doctor. Not only has he to take great responsibility, he has to administer to his patients medicines which may be poisonous, he has to perform surgical operations, he may call anybody to assist him or he may do it single handed. Your Excellency will therefore see that these are responsible men who are given responsible jobs to do. And yet the ordinary people prefer to submit themselves to the attendance of Medical Officers from overseas rather than those trained in Nigeria. They think that because a man got his training in Edinburgh, Glasgow or London he must be better than a man trained in Nigeria. I think it was on this account that Government invited an expert to come out from England to report on the medical position. I believe he came sometime in January, 1941, and the question was asked in March, 1941, whether his Report had been received by Government. The reply was that it had not been received. It was also asked whether the report would be available for the Council to see when it was received, but I think the answer stopped short when it said the report had not been received. I understand now that the report has been received but that report has not been placed on the table. I complained because we thought that if those people were considered to be working satisfactorily and their Heads of Departments thought so, the salary offered to-day would not have been offered if they were really doing useful work and if they really deserved the name of Doctor. We cannot judge this until we have seen the Medical Report, so I respectfully submit, in the interests of the Government and in the interests of all, that the report should be made public property.

Well, Your Excellency, as I said at the outset, attempts should be made by all Heads of Departments to make Nigeria self-supporting, but since the employment of African Medical Officers I have not met with a single one who was considered deserving of promotion to Senior Medical Officer. There are several now in the service whom I consider capable by their qualifications and efficiency to be appointed Senior Medical Officers. If we are trying to make this country self-supporting and not depend absolutely upon outside resources if we can possibly avoid it, I think the best thing is to encourage the promotion of people if their qualifications justify such promotion.

In this respect, Sir, I think I should refer to the Judicial Department. Now I believe it was sometime in 1932 that an experiment was made of appointing Police Magistrates in Nigeria. It was at that time definitely called an experiment. That that experiment has succeeded I need hardly say because at the present time no less than seven Police Magistrates, Africans, have been appointed to the Judicial Department. But up to now, Sir, although they have been serving long and varying periods, not one of them is considered suitable to be appointed Assistant Judge. Why cannot we emulate the Gold Coast where, with only four million inhabitants, they have an African Judge, Puisne Judge, Solicitor-General, Crown Counsel and Police Magistrates. It cannot be said that there is no one in Nigeria qualified to be a Judge. The present holder of a Judgeship in the Gold Coast is not a University man, nor are most of the others holding the posts I have mentioned. So I respectfully submit, Sir, that that policy be pursued by the Government of Nigeria and that Your Excellency will find your way clear to advise Heads of Departments to make further experiments of promoting useful African officers to higher posts.

Your Excellency I come to the Administrative Department. This Department is doing useful work, and I am sure that indirect rule would succeed if Administrative Officers would be loyal and would be prepared to carry out all the instructions emanating from the Central Department. I make mention of this Department for one reason, and that is regarding chiefs. There are often disputes about the succession of chieftains where there are positions to be filled, and in the provinces any amount of money is wasted in wrangling, in some cases lasting for about ten years. Quite often, Sir, it is the Administrative Officer's lack of experience that is the cause. We must strike while the iron is hot, and in cases like this, as soon as there are disputes, it is for Administrative Officers to settle them, to make all necessary investigations, rather than leave the people to go on wrangling among themselves. You find that those contestants, two or three of them, will be made responsible for the collection of taxes. I have in mind now the dispute about the Olu of Ilaro. That has been hanging on for the past six years or more. A Deputy later was appointed by Government to act for the Olu. That is always the case if an Administrative Officer has come in and made an investigation. This is the decision of the Government. I understand some distinction is made as regards the Protectorate and the Colony. I was aghast that there should be a distinction. Government is here as trustee of the people and must control and advise the people and look after their interests as a whole. So I respectfully submit that definite instructions should be issued to Administrative Officers for the settlement of disputes whenever they arise.

Your Excellency I have to join in the appeal made by the First Lagos Member regarding the Ilesha riot prisoners. These people, Sir, now realise that they have made a grievous mistake in causing a disturbance. Your Excellency has been kind enough to exercise your clemency in releasing some of the people, but as Your Excellency knows there are three men still remaining I have nothing to say but to recommend that Your Excellency will extend the same clemency to these men.

The Member for Calabar (The Rev. and Hon. O. Effiong) :

Your Excellency, in supporting the Appropriation Bill I must first of all, on behalf of my constituency and on behalf of Nigeria as a whole, say how gratified we are in welcoming you back into Nigeria, even though it may mean acting in an interim capacity. Your sympathy for and experience in this dependency is well-known to all of us. We recognize also those excellent

qualities and talents which have qualified you for the onerous responsibilities at this time in the Gold Coast and in Nigeria. We associate your amiable consort, Lady Burns, with the sentiments of appreciation and esteem expressed. We wish you both well while here among us.

I must also welcome the new Chief Secretary, who hails from Jamaica. At my last interview with our late Chief Secretary, the Honourable C. C. Woolley, now Governor of Cyprus, I told him I was not prepared to shower on him congratulations because I had not sufficient experience of him to justify my doing so. Not that he didn't deserve them, but because he has not served this Government enough to exemplify the wonderful reputation my Jamaican missionary friends with whom we live together in Calabar gave me of him. They said much about his good and admirable services in Jamaica. In Nigeria he was unable to evolve those things that he had brought with him owing to the shortness of time he was in the service of this Government. We hope our present Chief Secretary will have a longer period amongst us, so that continuity of Service might be preserved. I also welcome our new Financial Secretary. We have already found him a man fitted for the post and we offer him our congratulations.

At the same time, Sir, I beg to record with deep regret the broken health of His Excellency Sir Bernard Bourdillon which has compelled his temporary withdrawal from the strain of activities for a period of recuperation. We wish him a speedy recovery and also extend our good wishes to Lady Bourdillon.

Sir, before I enter into criticism on the Appropriation Bill, I want to say that the Heads of Departments are very reasonable and sympathetic, so that when we level criticisms on different Departments we do so impersonally.

We do not attack the Head of a Department but the policy of the Government through the Heads of the Departments.

We have to thank the Financial Secretary for his ingenuity in being able to balance the Budget. But, Sir, we reiterate the fact that there is still much room for economy. Personal emoluments in nearly every Department is some 60 or 75 per cent above the expenditure on other charges or essential services. The time has come when something should be done to reduce these. Again, Sir, we feel that certain allowances, seniority pay, duty pay, etc., should be pruned down to absolute minimum as war-time measures. It is gratifying however that our Budget is so self-balancing that we are able to return the loan raised from Native Administrations in the year that is closing, and we are going to retain the hope that in the year in front of us we shall also find it possible to release every loan to Native Administrations.

Your Excellency, I must congratulate you on your able and admirable Address laid on the table of this House on the 16th instant. It was restorative of hope, pithy, and interesting. There was an unbroken note of industrial revolution running through it. There was a call for all to rally together, to harness in earnest for every emergency and sacrifice. It was a real tonic to the House, Your Excellency. In your speech you referred to a revival in trade in raw materials, such as trade in wild rubber. Such a revival in any African produce largely depends on the offers made. You will remember, Sir, that we have no co-operative societies, at least not sufficient, we have no organized companies, and we have no capital. Therefore the machinery for the production of these raw materials must necessarily be imperfect, crude and clumsy. We therefore appeal to Government to do all in their power to encourage the efforts of the producers. Once they are discouraged they cease to produce, and those who are ignorant of the psychology of the Africans will stigmatise them as lazy and indolent. But I submit, Sir, that an African is not naturally lazy, he wants encouragement, even though he has climatic conditions against him, particularly in this equatorial region,

but he feels himself for one reason or another a victim to the exploitation of capitalism to which he readily succumbs. With that removed you will find him very industrious and very capable.

I want to talk, Sir, about the Agricultural Department. I have to congratulate this Department and the genius of the Director of Agriculture for the splendid work this Department is doing at this time. Nigeria is eminently an agricultural country; her future is definitely and indissolubly bound up with the soil. Research and nature together have proved this to be true. All I have to ask, Sir, is that more grants-in-aid, more money, should be given to implement the good work of this Department. We also appeal to the Director of Agriculture to extend his visits and beneficent activities to the Eastern Provinces where the population is very dense and the people largely pursue agriculture.

Your Excellency, I now turn the searchlight of my criticism to the Education Department. I do not for a moment attempt to attack the Director of Education. This is a Department, of paramount importance in the life of any country. Without its proper functioning the country is doomed, enveloped in perpetual darkness, ignorance and superstition. I want to say, Sir, that the composition of this Department does not consist only of the Director of Education, Senior Education Officers, Education Officers, Schools, Colleges, Universities, Books, equipments and other appliances. There are also the teachers to complete the picture. I will speak on behalf of this aspect of the Education Department namely the teaching profession. Teachers are the principal factors, the mainspring, and the backbone of this structure, but the suffering of the teachers are becoming more and more agonizing, terrible and intolerable. There is so much complaint and dissatisfaction in the ranks of teachers. I refer to the teachers in the non-Government schools. Why there should be so much disparity between the conditions of service of Government teachers and those in non-Government schools, is a problem to me, a problem which should be solved by the Education Department to the satisfaction of this House and the public. The Government teacher enjoys better salary, better leave conditions, gratuity and pension. Yet even if a teacher in the non-Government school possesses equal scholastic qualifications, and does the same type of work, with the same degree of efficiency and sometimes even more his salary is still very paltry, he has no leave conditions, he gets holidays when the schools are on vacation for the scholars. As far as gratuity and pension are concerned, he has no prospect whatsoever. When he grows old and unable to work he is consigned to the mercies of fate. He has to go drifting and inevitably begging, even from his past scholars who found employments in the Government. Sir, what a degradation and indignity. It is a most unsatisfactory state of affairs and has already begun to have serious adverse repercussion on the machinery of education of this country.

Many teachers have resigned teaching in the non-Government schools for more lucrative employments. The best brains have deserted the profession. If this goes on, who is to train our children in their civic duties, their social and economic responsibilities? If the teachers are not made happy in their jobs, the quality of the work will certainly deteriorate. Recently, Sir, the Honourable the Director of Education introduced to the Board of Education certain ameliorating measures in the conditions of service of teachers in non-Government service. He suggested the following scales.

- (1) Teachers with Elementary certificates should run—£36-4-72.
- (2) Holders of Higher Elementary Certificates—£48-6-78; £84-8-156 with a bar at £78.

- (3) Old first class and second class teachers to run the Higher Elementary scale and continue from £156-8-180.
- (4) Holders of Senior Certificates to start from £96-8-160 and £160-10-200 with a rigid bar at £160.
- (5) Holders of Yaba Diploma—£96-8-128 ; £140-10-200 with a bar at £128.
- (6) University graduates were to run £120-10-240 with efficiency bar at £160.

but these measures were waived because the majority of members of the Board suggested that there were other features in the Department claiming priority. It was suggested by representatives of the mission bodies and other school proprietors that unless money was found for improvement in Yaba College, for more travelling teachers, more European supervisors, more facilities in domestic science and rural education, and until the teachers provident fund scheme was definitely established, the suggested scales of salaries of teachers introduced by the Honourable Director of Education should not be put into operation. It is a great pity, Sir, that the Director of Education was fighting against such overwhelming odds. I trust that with his characteristic tact, wisdom and courage, he will reintroduce these measures as soon as possible. The suggestions of these representatives were very good in themselves, but I submit very emphatically that better conditions of service for teachers in non-Government schools with particular reference to their salaries should claim priority over anything that was suggested by these representatives. What is the worth of a hundred travelling teachers, what is the worth of so many European supervisors, without the class teachers? Whom are they going to supervise? Your Excellency, what improvement do they suggest should be added to Yaba College that could have claimed priority to the teachers' well-being? I admit that there must be room for improvement, but it should not be at the expense of such ameliorating measures as propounded and submitted by the Honourable the Director of Education; it should not be at the expense of losing the teachers whose consideration eminently claims preference. Tuskegee Institute at Alabama, United States of America was started in a dilapidated henhouse where the eager children studied, sometimes three or four holding on to a book. During the rains three to five studied under a common umbrella. But theirs was a tremendous asset, a band of enthusiastic and indomitable teachers. To-day that Institute stands as it were on Mount Olympus commanding the world's respect and admiration in syllabus, teaching, equipment and teachers. I therefore submit, Sir, that if we try to get teachers, make them happy in their jobs, then we will be able to build a sound Education Department and lay a foundation whereby we will have educational facilities to our hearts' content. The whole Department minus teachers is a fiasco.

At this juncture, Sir, I wish to criticise the composition of the Education Board. I want to say that more African representatives should be on that Board and that their unanimous vote should be well respected.

Regarding war bonus to teachers in non-Government schools, this question was raised by a recent deputation, not of teachers, at an interview with His Honour the Chief Commissioner, Eastern Provinces. Sir, we claim that teachers in non-Government schools should be considered in the light of War Bonus. Whatever are the qualifications of other recipients, the teachers too have similar qualifications such as service, interest in war efforts, share in the hardness and stringency of the times. Those who receive war bonus are looked upon as public servants, but surely those who are shaping the destiny of the younger generation are very responsible. If they are not public servants certainly they could be called the servants of the public. Whenever

they applied to the Government for war bonus or other amenities they have invariably been told to apply to their proprietors. That is very reasonable, Sir, but the proprietors depend upon the Government for the salaries of the teachers and are at present clamouring for the Government to meet 100 per cent salary bills of the teachers. If that is the position I fail to see where they can get the money to meet this extra burden. I appeal to the Government to relieve the situation.

Your Excellency, the provident fund scheme for the teachers in non-Government schools has already been accepted in principle. I appeal that it should now be implemented. The general opinion has it that Government should take over this scheme from the missions, consolidate and make it uniform for all the missions.

Your Excellency, we are blessed with a very good, experienced and sympathetic Director of Education. On his behalf, on behalf of the millions of children of school age hungering for light, and on behalf of the people of Nigeria in general, I appeal to Government for more money to be granted to this Department in order to expand educational facilities. Sometimes about 500 pupils have competed for forty vacancies in a school, which is very sad and ridiculous. The Nigerian education vote is relatively too small and inadequate. In Lord Hailey's "African Survey" the following comparisons are to be observed :—

In 1935	Nigerian Revenue	.. ..	5,757,180	
	Expenditure on Education	.. ..	229,057	
	No. of Pupils in School	.. ..		416,184
	Expenditure per head of pupils	.. ..		11s.
In 1935	Gold Coast Revenue	.. ..	3,128,606	
	Expenditure of Education	.. ..	224,667	
	No. of Pupils in School	.. ..		63,466
	Expenditure per head of pupils	.. ..		£3 10s 10d.
	(1) Nigeria		11s ;	(2) Gold Coast
	(3) Sierra Leone		£2 0s 9d ;	Gambia
			£2 7s 3d.	

I respectfully plead, Sir, that serious consideration should be given to the vote on education in Nigeria.

Your Excellency, we deeply appreciate the £26,000 already granted to this Department to relieve tension, but after all, Sir, not a penny of that amount was designed to reach the uncertificated teachers, we appeal for a larger vote so that this unfortunate band of self-sacrificing people may get some relief.

Your Excellency, I have a word to say about the Medical Department, which is justifying very much its existence. All of our qualified African doctors have been absorbed, we have recent promotions of thirty-five third-class nurses, so that at present we have twenty-five more second-class nurses and ten more senior nurses. We hope that in grading the nursing staff, provision will be made for Chief Nurse, so that the grading may be in ascending order 3rd Class, 2nd Class, 1st Class, Charge Nurse and Chief Nurse, even though the Chief Nurse might not earn the maximum salary of Chief Dispenser or Chief Clerk, owing to educational limitations, yet I submit, Sir, that this should be considered. I know I have the sympathy of the Acting Director of Medical Services on this score and therefore I am encouraged. I want to say, Sir, that some economy could be effected in this Department by recruiting nursing sisters from local talents. This extract from the West African Pilot of the 31st January reveals the general feelings of the Nigerian taxpayers.

It reads "We think that Nigeria, now and henceforth, can do without the services of the 60 or more Nursing Sisters who are each

paid salaries ranging from £350-£600 per annum, plus duty pay of £40 to eight Senior Nursing Sisters, plus free quarters and passages for all of them.

Our reasons for the above conclusion are three. They are extraneous in the practice of medicine in Nigeria; the nature of their job is less professional and more menial in Africa, that trained Africans can do so with efficiency. They constitute a grave social problem to the Nigerian tax-payer; it should be an interesting revelation to find out how many Nursing Sisters resign annually for the purpose of getting married. Lastly, it is bad economy to engage employees whose services are dispensable and whose tenure of office is so unstable as to encourage needless labour turn-overs.

Because, among other reasons, the Civil Service of Nigeria should not be transformed into a matrimonial mart."

Your Excellency it is along these lines I feel economy could be effected.

The work of Provincial Administration.

Your Excellency, I would fail in my duty if I did not pay tribute to the admirable and excellent work of His Honour the Chief Commissioner, Eastern Provinces and that of his principal Administrative Officers. I pay copious tribute to his genius in doing all that is in his power to control to the utmost false rumours and excitements that might easily upset the morale, peace and tranquility of the people at this critical time. No wonder, Sir, he was nick-named in this House by your predecessor Sir Bernard Bourdillon "an Easterner". We respect him for his organizing power, his foresight and respect for the feeling of the people. We promise him our full support and co-operation. The recent study of conditions of service in the Native Administrations, with particular emphasis on the revision of salaries of the Native Administration staff, in order to make their salaries comparable with those of their opposite numbers in the Central Government, was a step in the right direction; it was a step fraught with benefit, happiness and satisfaction to the people, to the Native Authorities themselves as well as to their employees, and I have no doubt, Sir, that when recommendations given are implemented it will reflect credit on the Native Administrations in the Eastern Provinces generally, because better conditions of service beget efficiency.

I come to a subject on which I am really loth to speak. I refer to illicit distillation in Nigeria. Your Excellency, at an interview with His Honour the Chief Commissioner, Eastern Provinces, the Nigerian Youth Movement, Calabar Branch, discussed this question with much concern and enthusiasm, but as no conclusion could be reached at the time to their satisfaction I was asked to include this subject in my Budget Address as a problem that has constituted a definite social and economic difficulty to the taxpayers of Nigeria. I must confess, Sir, that personally I do not advocate intoxicating liquor, nor do I advise anybody to indulge in alcoholic beverages, for then I would be violating my conscience. But it has been proved to my conviction that the danger arising from drinking this illicitly distilled stuff is exceedingly great; the health of the people is rapidly undermined, their energies woefully sapped, their moral and spiritual calibre jeopardised. In the circumstances, Sir, I was unable to resist the temptation of bringing this question before this House. The future is very gloomy and visualises a people ruined, diseased, and incapable of much physical intellectual, moral and spiritual exertions. This is the present inevitable position. The solution suggested by the people and by the representatives of the Nigerian Youth Movement at the time was that a definite and substantial reduction should be made on import duty with

respect to imported liquor, for it is this heavy import duty that has driven the people to distil their own liquor, to their own detriment and to the detriment of the State. The system of economy of Sir Rowland Hill is much advocated, who by insisting on the reduction of Postage Stamps to 1d per letter to any part of the British Empire brought more revenue to the country and happiness to the people. Government has failed disastrously in its objective on this score, for Government thought by imposing heavy duty on alcoholic drink they would kill the drinking habit of the people. The introduction of this measure was too late, as the people had already acquired an insatiable appetite for intoxicating beverages. If the people could still buy imported liquor as cheaply as before there would be no need for the development of this industry in Nigeria. On the other hand, it is advocated that, if Government should give licence, as on the Gold Coast, if I am not mistaken, to qualified natives to organize this industry under proper supervision of experts so as to ensure purity and quality, the business of illicit distillation would be reduced to a minimum, if not wholly exterminated. Now, Sir, it may be asked how this could happen; this licence to distil would make the people so interested in their trade that they would not allow the impostors to distil, they would track them better than the police, and with the aid of the police would definitely kill the industry or reduce it to a negligible degree as far as the unlicensed men are concerned. Then you will have imported liquor with reasonable duty and more revenue. You will also have the locally distilled liquor with excise duty on it and more revenue—and you will also be sure of the real asset of the country—the strength, health and growth of the people. It is a choice between two evils, in which case it is wisdom to select the less virulent. This problem has completely baffled and frustrated the ingenuity of the police, and nobody knows whether some of the police have not vested interest in the traffic. Sir, it is solely on this score, for the sake of the life and health of the people that I appeal to Government to look seriously into the problem of illicitly distilled liquor which has admittedly constituted such a social menace.

Your Excellency, I desire to emphasize this fact of unemployment among girls. It is a subject that is well-known and I do not need to amplify it in order to convince this House that the educated girls have not sufficient avenues in this country and therefore the result will be disastrous unless something is done. We therefore ask the Government to create more avenues into which our educated families can be absorbed. I think that in the Post Office stamps could very well be sold by girls. They could serve as shorthand typists in different Departments instead of men. It has been said by members on the other side of the House that the men have occupied posts where girls should have occupied. I submit, Sir, that something should be done for these girls.

I want also to support the remarks of the Honourable Member for the Rivers Division with respect to representation of Ibos in the Legislative Council. The time has come, Sir, when more representation should be given to this tribe, having regard to their great number.

I want also to support what the First Member for Lagos said regarding third-class warders. When in 1934 illiterate men were employed the scale was 23 x 3 x 42 third-class, but now that we are looking for youngmen with education the scale has been reduced to 21 x 3 x 30. I think, Sir, that this is very unsatisfactory.

Finally I want to touch on a very solemn subject, the Nigerian War Effort. We promised, Sir, to support the Empire to the best of our ability in raw materials and in man-power. It is a pity that prior to the war we were not made to appreciate the importance and advisability of making ourselves to a

reasonable extent self-sufficient in commodities such as foodstuffs and Empire made goods. If we had realised this in time, we would have been better qualified to render more substantial help. At this juncture, Sir, I would like to say that the psychology of the African is not exceptional or peculiar to him alone. It follows the general bent and trend of all other peoples, particularly a people who believe in the immortality of the soul. He reacts and adjusts himself to every stimulus. Treat an African as a man, and you will get the best out of him; love him, and he will voluntarily serve you, slave for you, respect you and show you that he also has a capacity to love. Don't snub or discriminate him then you will find him a true and reliable friend. But if he discovers you are exploiting him and that all your seeming civility is to make him a means to your end, then confidence is dashed to pieces. You will find an African but not the African—a counterfeited, hypocritical something, a caricature of the African. In this he only reacts according to the stimulus with which he is treated. He is convinced, as any other person, that this war is designed as a huge furnace or crucible for the world to pass through for the purpose of purification if not sanctification, whereby our pride, and prejudices might be eliminated so that we may enjoy this world's wealth, in this God given earth, as brothers and sisters and live up to the letter and spirit of the doctrine of the Fatherhood of God and brotherhood of man.

The African believes implicitly that in this mighty and grim struggle, the omnipotent and omniscient Being, full of love, grace and tender mercies is much concerned. It is an aspect of His vast programme. He realises that Britain and the Allies are fighting to prevent civilization and culture from being smashed to pieces, she is fighting to uphold the principles of Democracy and maintain the cause of righteousness. For these immortal principles and values the African will make any sacrifice. Your Excellency, this is a very grave and solemn subject and I must quickly depart from it. Suffice it to say, that if I were broadcasting to the whole world I would urge them with all my power and in the name of the best in them, that all the ruling nations as well as the subordinate countries of the world should now repent in sincerity, practise humanity, unselfishness and love and then there will be no more war.

Sir, in conclusion let me reassure you, this House and the Imperial Government of our unflinching support and our unswerving fidelity, loyalty and service to the Crown. With this, Sir, I beg to support the Appropriation Bill.

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

Your Excellency, one of the biggest things to my mind, that this Government did last year was the general improvement in the salaries and wages of the lower subordinate staff. This I believe is already reflected in the general level of wages throughout the country. To one like myself, who has spent almost all my career fighting for the under-dog, this important step in our social progress is very welcome indeed.

As far as the Estimates are concerned, Sir, the Unofficial Members have spent the better part of a week in considering them, and I hardly think there is anything before this House to criticise. I must confess however, Sir, the whole system of government accounting in the country has always remained a puzzle. I tried to get an Official of the Secretariat to explain to me the mysteries of Government accounting. Although my intelligence seems capable of comprehending commercial systems of accounting I do not feel quite able to comprehend the Government system of presenting the actual financial position of the country. I have been told, Sir, that there were only two men who fully understood the whole system of Nigerian finance, and

that those two men were Sir Donald Cameron, formerly Chief Secretary and later Governor of Nigeria, and Mr. D. S. MacGregor who once held the post of Treasurer of Nigeria. Incidentally both are Scotsmen ! We have heard the present Financial Secretary. He was very helpful during the Finance Committee in getting us through various stages of the Estimates. I am not sure whether he is a Scotsman, but I do believe that we shall soon be adding to the number of those who do understand the finances of the Government of Nigeria.

The Honourable the Financial Secretary :

On a point of explanation, Sir, I am not a Scotsman.

His Excellency :

The Honourable Member has my sympathy.

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

That takes us to what I consider perhaps our most important Department, that of Administrative Service. Reading through Your Excellency's Address I was very much struck by the entire absence of any reference to any disturbances, in any part of the country. Sir Bernard Bourdillon's Address to this Council last year recorded quite a crop of disturbances. Reading Your Excellency's Address a bit further I find that there was a great shortage of Administrative Officers in the country, and I was wondering whether there was any relation between the shortage of officers and the tranquility which the country has enjoyed. Now that we are making such a big drive for the war effort, tranquility throughout the country is a matter of the most urgent importance, and I do hope that this happy state of things which has prevailed during the last few months will continue.

In connection with that, Sir, I think I might refer to the speech by the First Lagos Member in regard to the disturbances at Ilesha last year. I do support his appeal to you, for entirely different reasons ; not because I feel that the men regret what they have done but because I think it is very necessary, Sir, that we should go as far as we possibly can to secure continuance of the tranquility now prevailing. I am perfectly certain, Sir, that if you exercise your prerogative of mercy towards these men it will contribute greatly to this state of general tranquility.

About Administrative Officers, Sir, I tabled a question asking how many officers of the senior grades were still in service in the country because in my last tour to different parts of Nigeria I found that the shortage in the Administrative Staff was acute. I remarked to the Chief Commissioner, Southern Provinces, my surprise that in one or two places very young men who had done less than five tours in the country were posted in charge of quite big divisions. I do not in any way criticise the work of these young officers because, as far as I know, they were doing their job very successfully and I was myself very much impressed that such young men discharged these duties so well. But this did not remove quite from my mind the feeling that in the big and more backward districts especially in these troublous times older and more experienced officers should be in charge.

One other thing that impressed me very much throughout my tour, which I think if for no other reason would justify our keeping that Department at full strength, was the very very high standard of integrity of the Administrative Officers and their disinterested service. By their example I think this country will gain a great deal.

Much has already been said about the Education Department, and I would rather not take up Your Excellency's time in speaking under this Head at length. I happen to be a member of the Board of Education myself, and at the last meeting I attended I learned more about administration of education

in this country than I thought that I had known before. But there is one thing at any rate which I must make reference to, and that is the question of the Bill which has been recently passed, giving the Director of Education such wide powers over private schools. I do not know whether the fact has been brought to the notice of Your Excellency, but in Lagos alone, Sir, over 500 children have been turned away from schools this year because there was no accommodation for them. I do not know what the figures are for other parts of the country. That being the case, Sir, I think every encouragement should be given to people who start private schools instead of what I notice at present, everything being done to discourage them. In the Board of Education we had an opportunity of discussing what has been described by the Director of Education as a Ten Years Plan. In that Plan I believe there is provision for Government taking up the payment of salary of Non-Government teachers. I do hope, Sir, that everything will be done to support such a policy because I feel that education for the people is the responsibility of the State. The missionaries have shouldered it for some time, but they cannot do so under present day conditions and I think it would be a great thing if Government would push forward with the scheme providing for salaries of Mission teachers to be paid by Government. Wider provision should also be made for teacher training. We do feel that unless that training is provided we cannot make very good progress in our educational system.

Another thing, I do not feel that the Education Department is making quite the fullest use of local material. It is true that war conditions have made it entirely impossible for recruiting Education Officers from abroad, therefore why do we not advance some African Officers now serving in the Department to the post of Education Officers. Your Excellency was told of the difficulties of people in places like Ondo. That could be multiplied several times in other parts of the country, and I feel unable to accept the explanation that the Education Department has not got suitable Africans to advance to these positions.

Apart from the Education Department, to my mind one of the most important Departments now is the Agricultural Department. It is a Department which I do not like to criticise. As a matter of fact I have always felt that if the Director of Agriculture came to this House with any request for money he should get it because his Department is the backbone of our prosperity. But, Sir, when it comes to development of local industries, especially in connection with the war effort, there is this one thing that must be pointed out. We have been relying too much on the efforts of amateurs, not only in work actually connected with agriculture but in other Departments. The men no doubt are very willing, but I do not think that willingness is altogether a substitute for expert knowledge. What we do want is expert knowledge; we want to feel that those men who are put on any particular job know what they are doing. I think the employment of men who are amateurs in their job is a most expensive thing. I am very sorry to speak so strongly on this subject, but what I have in mind just now is that part of the Director of Agriculture's activities in connection with fishing. I have told him in Committee and outside, and I have already arranged to see him after this Meeting to discuss matters with him because I think the whole position very unsatisfactory. It is an industry on which quite a large number of the population of this country depend, especially in the Southern Provinces, and I am not sure we are working on the right lines. The whole business is amateurish and I can see no real result for the money spent. If we got the right man on that industry it would not only help this country to be self-supporting in fish supply but it would also tend to the well-being of the people in different parts of the Southern Provinces.

With regard to the Forestry Department. I remember not so very long ago this country went to the expense of inviting an expert in Forestry to come out here to investigate and report on our forest resources and how best the small man, the African, could develop these resources to his own advantage. I am not sure what has happened to this report. I called for it once but was told it was a confidential document and that I could read it and send it back but with no comment in the Press. Well I have kept my word ; so far I have never made any comment about this report in the Press, I may say I have even forgotten the contents of the report, but I am certain that if the recommendations had been made public they would have been of great use to the people of this country, especially to those who live in the Eastern Provinces where there are great forest areas and where knowledge of development on the lines recommended would have been of inestimable assistance.

About the Medical Department I have nothing much to say except this. I have a feeling that far too much is being left by that Department to the Native Administrations. I have to refer again to matters that came to my notice during my recent tour. In some places the dispensaries are completely empty of drugs of any kind, and in others there are not even attendants in charge. When you make enquiries you find they are invariably what are known as Native Administration dispensaries. In one place there was an epidemic of smallpox which killed off men and women by the hundreds ; there were no medical facilities of any kind. Now I think, when it comes to a matter of health, it is not fair that this Government should leave an important of this kind to Native Administrations. I am asking, Sir, that the Medical Department should take increasing interest in the work of these so-called Native Administration centres and hospitals in regard to supervision, staff and equipment.

Another Department I would like to mention is the Information Department. I was very happy to notice that a young African has been appointed as an acting Assistant Information Officer. Well that Department, Sir, could do a lot more than it is doing. I have no doubt that the resources at their disposal are limited, but I think they could do lot more ; and not only that, but I would like to see young Africans, especially those who have had training on local newspapers and know something of propaganda, being employed in that office in fairly responsible positions.

Now we have been told, or read, what has happened in Malaya and other parts of the Empire. And in reading about those places in the papers one of the things that struck me was that no attempt was made in those parts of the Empire to get the native population to feel that the war is their war, not merely the white man's war. And I thought to myself that one would imagine that Malaya being a much more advanced place than Nigeria that the natives there would at least have been made to take serious notice of that fact. I compared it with us here and I find the position exactly the same. I don't think any real attempt has been made in this country to make the African feel that this war is really his war, that he is enlisted as a soldier, not because he was unemployed and he could earn 2s a day, but because, when he puts on a uniform and given a gun to carry he is given that uniform and gun because he is required to fight in defence of certain things which mean a great deal to him in future and not merely to the future of the white man alone. As I say, I do not think enough has been done in this country to encourage that sort of thing. If that is so I ask where are the African officers in the local fighting services ? I may be told that most of the African soldiers are recruited from the Northern Provinces and that men from the Southern Provinces would not make suitable leaders for the Hausas. Well where are the Hausa officers ? I have before me the story of a man, a Hausa who was born in

Sokoto. He went on a trip to North Africa when young, and he showed such intelligence friends who took an interest in him sent him to school. Later he entered a Turkish Military School, and eventually became a Major in the Turkish Army. He visited this country in 1935. Now if an African, a Hausa, can rise to the position of a Major in the Turkish Army I see no reason why an African should not rise to the position of Major in the British Army and lead African soldiers. Your Excellency, we are going all out for this war effort, we want to go all out, not because this is a white man's war, but because we are all in it. We feel that if Britain goes down we go down with her and we like to feel that we are fighting for the British Empire. We are fighting for it because of the issues involved and because of what Empire stands for and not because we are getting paid so much a day.

Three days ago, Your Excellency, I was amusing myself reading some of the old treaties between our forefathers and the British, and what struck me very much was the emphasis placed on the friendship between them in that day. I am afraid, Sir, we have wandered away a great deal from that friendship which existed between our forefathers and the British people. What exists to-day I will not call friendship. I am asking, Sir, that we should go back to the friendship that was so noticeable in the treaties that the British entered into with our forefathers, and if this spirit of friendship is revived I am certain we should fight wholeheartedly because we would know what we were fighting for, because we are fighting for what is best for our future. Your Excellency has appealed for the whole country to put its back into this war effort. You have said that everything else must be set aside to win this war. We are quite willing that everything shall be set aside in order not to lose. And you can depend on it, Sir, I am speaking not merely as a Member of that Council but as the Head of a great organisation in this country. Whatever the demands Your Excellency makes upon us we shall be quite ready to follow.

Just one or two little points before I take my seat. With regard to the large scale arrangements being made for export of produce of this country, in return very large sums of money are bound to come into the country, and this money will get into the hands of the people, who will have no outlet on which to spend it. I am wondering whether Government has any plans by which this extra money coming into the country, which cannot be spent, would be reserved for the people in the days to come. I was in the Northern Provinces the other day, and the Director of Veterinary Services mentioned that as a result of the Department's activities in dairy produce the surrounding Fulani have made a lot of money, that whereas before the Fulanis womenfolk used to appear in ordinary cotton dress, now they come out in silk. It is an interesting sign of the growth of prosperity among the people and that brings me to the question raised by the Member for Calabar, *i.e.* the growth of illicit distillation. A lot of this money will be spent in purchasing illicit gin unless something is done. As far as this question of illicit gin is concerned I think Members of the House know my views on the subject. I brought it up at the last Meeting of Council. I personally think the time has come when Government should take a really practical view of the whole thing and grant licences so that the whole thing may be controlled. It is no use at all thinking that the police can control it—they cannot. The Chief Commissioner for the Eastern Provinces, and also District Officers in the provinces, will bear me out that illicit distillation has grown so widespread that I do not see how this Government can ever hope to stop it. There was the interesting incident at a fun fair at Port Harcourt, when a man walked up to the person in charge of the arrangements and said he understood that people

engaged in different industries could bring in exhibits to this Fun Fair. When he was told this was so he said "What about me. I am making very very fine illicit gin. Shall I bring it in for exhibition"? This shows how much of this sort of thing goes on in the Eastern Provinces. The police know about it but turn a blind eye. They told me that if they were to act according to the law they would have to arrest whole villages, and there is no room in the prisons. Why don't we do the right thing, by controlling this business, by issuing licences. In that way, even if part of the extra money coming into this country is spent on the purchase of spirits Government at least will be able to capture some of it.

One thing more before I finish, and that is with regard to the Civil Service. We of the younger generation have our own very definite views as regards the Civil Service and some of those views were expressed by me at the last Budget Session. We regard it as our Civil Service, Sir. I said at the time that the Europeans had the whole Colonial Empire, while we have only Nigeria to choose from. It is our Civil Service, and what I suggested was that all subordinate appointments in the Government should be held by Nigerians, the appointments that we pay £400 to £500 a year to Europeans brought out from Britain. Why don't we give those appointments to Africans? As to the appointments at £1,000 a year, let the Europeans have them. I feel that the presence of Europeans here should be in the capacity of overseers and experts only. The question of systematic and more rapid Africanisation of the Civil Service is a matter which I think should exercise the mind of Government immediately the war is over.

Sir, I beg to support the motion.

The Commercial Member for Lagos (The Hon. E. H. L. Richardson) :

Your Excellency, I rise to support the motion. I do not propose to say much about the draft Estimates; we have, however, the satisfaction of a balanced Budget this year, and there will only be a very small deficit in the coming year. Actually there is likely to be a substantial surplus in the current year, because import duties are likely to be at least £225,000 in excess of the revised estimate for 1941-42. Instead, therefore, of a surplus of £70,000 estimated in Your Excellency's Address, we may get a surplus up to a quarter of a million. This surplus has been principally achieved through heavier direct and indirect taxation, which I think I can say has been cheerfully accepted by Europeans; it is something we must continue to bear throughout the war as an increasing burden.

Most remarkable has been the high level of import duties which have been collected in the face of ever increasing difficulties in conditions of supply. This provides very clear evidence of the hard work which has been put in by the business interests of Nigeria; of work which has been carried out with a 40 per cent reduction of staff under extremely rapidly changing conditions. I mention this because I sometimes wonder if this difficult part which merchants have played in Nigeria's war effort during the past year has been generally appreciated. Your Excellency's Address naturally referred only to the activities of the Government, although so much of Government's activities and revenue depend upon commerce. But though the merchants generally succeeded in meeting the requirements of the country during the past year it does not necessarily mean they will succeed in doing this during the coming year. On the contrary, everything points to the fact that they will not. Supplies from the United Kingdom may become scarcer as the war continues; South Africa will turn more and more to war production; India, a country from which we have obtained most of our textiles during the past year, is now threatened by Japan on land, sea and in the air, so that

shipping communications to that country may soon be as dangerous as in the Atlantic. I am therefore glad to see that the Honourable Financial Secretary has estimated import duties, not only £50,000 less than last year's Estimates, but over £500,000 less than import duties likely to be collected in the current year. But if the war draws nearer to Nigeria, Estimates will go by the board; it won't be a question of balanced Budget, it will be a question of our existence.

It makes all discussion on the Budget problem so futile.

To turn to Your Excellency's Address, I think I can say how pleased we all are to note the further progress shown by the Agricultural Department. The only matter for question, and to me rather an appalling one, is that it should require a major world war to provide a yearly grant for general agricultural development. And in this vast country with its vast population what a pittance has been granted—£10,000 last year and £8,000 this year. I will not ask why these development schemes could not have been promoted pre-war, but the important consideration now is that a grant for general agricultural development should find a yearly place in our post-war Budget. The people and the merchants realise it is in Agricultural development that the future strengthening of the internal economy of this country lies.

Turning to the question of supply, Your Excellency has referred to the fact that Nigeria must increase production of raw materials to the maximum.

I hope at a later stage of this debate the Honourable Director of Agriculture will enlighten us on the steps that will be taken to achieve this, and the extent to which European and African non-officials, and the extent to which the merchants, can assist in the dissemination of propaganda for this purpose.

Your Excellency has also referred to the fact that in normal times exports and imports are left to commercial interests and are governed by the normal law of supply and demand. In these times they are governed only by the law of supply, and it is that which has caused the inauguration of the Supply Board. The functions of the Supply Board and imports control are therefore more confined to—(1) what can be imported, (2) what is to be frozen on arrival and (3) the most advantageous distribution of those imports which are essential to Nigeria's war effort. Ordering and distribution, in fact the main pre-war functions of the merchants continue, of course, through the merchants and I do not think the Supply Board pretends for a minute to usurp the distributive functions of the merchants unless in very unusual circumstances directly arising from the war.

Government is now, probably for the first time in the history of Nigeria in close touch with trade generally. This is something new and it is something I hope will benefit this country in the long run, because I think that in the past Government has not been sufficiently knowledgeable on commercial matters. In your Address Your Excellency said Government was always in close touch with trade generally, but I hardly feel that was the case prior to the war, even if it was only in the capacity of holding a watching brief. My own experience in the past ten years has been the woeful ignorance on the part of officials about the value of commerce and the value of the development of commerce in this country.

To me the most interesting point which emerges in the draft Estimates is the large percentage of revenue collected through the activities of trade. Many people may be surprised to know that, excluding interest on funds and loans quoted in the draft Estimates at just over £1,020,000, over 60 per cent or over three and a half million pounds of the remaining revenue is derived directly from the country's trade—that is by import, export and excise duties, mining and licences and non-officials' including Companies, Income Tax. It can also be said commerce indirectly contributes in no small measure

to the remaining 40 per cent of revenue amounting to less than a million and three-quarter pounds. Commerce—and you have got to face this fact because it is inescapable—is the life blood of the country's revenue. I might add much of this life blood is later translated into hard cash to pay the somewhat heavy personal emoluments and pensions of Government servants. I mentioned this because Honourable Members opposite are often too inclined to overlook the extent to which their emoluments here and in retirement are met through the toil and sweat of commerce. And on commerce will fall very much greater responsibility in the coming year owing to the increasing demand for the products of the country for war purposes. It is this fact which has enabled the Honourable Financial Secretary to budget for considerable increases under most of the principal heads of revenue.

Then there is a tremendous improvement in railway finances to refer to, and here I am quoting from Your Excellency's own words in your Address—"due in the main to improvement in trading conditions". Here again we see the force, the value and the indispensability to Railway finances of commerce. Now, Your Excellency, I have strong reasons for stressing the importance of commerce in this country because it is as important as anything else in the war effort expected from Nigeria—unless of course the war crosses our boundaries. Heavier demands on personnel will be made and these will be given loyally and with vigour. I say vigour, because there is no blue book in business—an individual's job is allotted according to his experience and current capability.

But there is something more wanted in order to achieve what the Home Government wants from us, and that is that there must be closer co-operation between Government and the business interests in Nigeria. It is gratifying to record that in the past few months there have emerged distinct signs of closer co-operation between Government and the business interests. I feel there exists a clearer understanding—I hope I can say a mutually clearer understanding—not only of each other's problems, but of each other's worth in the present struggle. I hope the improvement will go further. I have no doubt it will come in time, but it should be accelerated, because it is urgent, and it is indispensable to the success of our war effort. Suspicion, distrust and disparagement which exists must go and we can only achieve this through united goodwill and united effort in what is after all a single purpose. Now is the time for regeneration in officials and non-officials, to promote by merit, to pass over those without, and to deprive of responsibility anybody who cannot carry it.

I remember at last year's Budget Session a number of Honourable Members rather sat up and blinked when an Honourable Unofficial Member used the word "Mis-Government" in dealing with some Native Administration problem. Since then the world has moved swiftly. The other night I was listening to a Lagos radio programme, and I heard a firm and vigorous voice say in demanding tones "What we want is a revolutionary spirit; what we want is revolutionary ardour, and we have got to get rid of our national self-satisfaction". This was revolutionary. And where did it come from? It came from our home British Broadcasting Corporation, spoken by one of our foremost war commentators, not about the fighting services, but about our civil life, our civil services and our civil outlook. And it applies to us too—harder, I know, because the war has not yet crossed our boundaries—and there is something too we have that makes it more difficult—it is caused by the climate—something that seeps into our flesh and bones—West African damp-rot, West African complacency. But there is a ray of light, it is a hope which many of us are looking to.

I refrained from beginning this speech with a word of welcome to Your Excellency, to the Honourable the Chief Secretary and the Honourable the Financial Secretary. I do that now. I don't suppose we often have the privilege of welcoming so much new blood at the head of affairs, but it is because they represent new blood at the helm that we pin our hopes to a change in outlook. There is no greater reassurance the Chief Secretary can give when he replies for Government in this debate than to say he is determined ruthlessly to apply short-cut methods, exterminate complacency and if necessary reshuffle personnel, giving priority to those with energy, capability, initiative and, above all, speed of action. In the London Times of the 22nd January a writer has directed criticism against the Colonial service machine. The Public Relations officer, Mr. Noel Sabine's reply appeared next day and he made it clear the Colonial Office whole-heartedly welcome the focusing of public opinion on its problems of administration. He concluded by saying the subject was one upon which a great deal could be said, but the more that was said, and the more the subject was ventilated, the better the Colonial Office would be pleased. I think, Sir, that that is something we must take notice of. I remember in a recent broadcast Your Excellency included among questions we might ask ourselves—"Do I help to spread dissatisfaction by disparagement of others rather than offer constructive criticism?" Well I must admit this is a fault with officials and non-officials. I have tried in my own mind to fathom what is at the bottom of it, and I feel it is caused by a feeling of frustration and ineffectiveness. In Nigeria we are rather cut off from the world, and former targets of criticisms have been chiefly eliminated by the war. Each day we are passing through history and I feel, and particularly up-country, that people are suffering from feelings of frustration and ineffectiveness in wondering if their war efforts were enough. I am not so sure if it would not be a good thing if some sort of constructive criticism bureau was set up in the Secretariat to which people here and up country could address their feelings about the war effort—no extra personnel would be needed—and knowing, especially if they have a feeling of frustration, that if they write to the head of affairs their letters will be read. I don't think they would expect an answer but they would get reassurance that the tempo of the war effort in Nigeria was increasing and that their views were before the Government. Some individuals would, no doubt, want reassurance that there would be no 'boomerang' reaction to criticism.

In conclusion I propose to quote from a book better known to my Honourable and Reverend Colleagues, and it is something said 1900 years ago by St. Paul. He said "Brethren, you gladly suffer fools whereas you yourselves are wise". Now it is not for us to decide who is foolish and who is wise because he also said "Be not wise in your own conceits". There is, however, a simple moral to be drawn by Honourable Members on both sides of this House, because there is not just wisdom on one side and foolishness on the other, but there is wisdom and foolishness on each side. Therefore let us pool our wisdom for the common good, and let us tell each other of the other's foolishness so that it may be eliminated. Thus only can we be strong in our unity and, in the words of our Prime Minister, we can go forward together—for we have one common purpose—the destruction of Hitlerism throughout the world.

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

Your Excellency, I find it my duty and pleasure to associate myself with the former speakers in congratulating Your Excellency for the honour of your appointment to the Gold Coast as Governor of that Colony, and to this Colony in the Office which you are now holding in our midst. Your presence here at this time is very appropriate. Some years ago when you

were here, Your Excellency proved yourself hardworking and of some benefit to Nigeria. That was indicated by the publication of your "History of Nigeria". Thereby Your Excellency had left footprints on the sands of time of Nigeria, which footprints you are now retracing by your having to come back to us. We congratulate you and wish you much more success.

In the same strain I support the welcome extended to the Honourable the Chief Secretary to the Government. I wish him also success in all his undertakings in this Colony and in the Protectorates.

With the same spirit I wish the Honourable the Financial Secretary every success in his services as a Financial Officer in our Government. The step he has already taken has proved to all of us that inasmuch as he has begun well so will he end well. That is a guarantee he has given to us that will not disappoint us.

Your Excellency, I do not wish to make any attempt in criticising the figures of the Budget, because those who are experts in the art of accounting have done their best to rectify errors found therein. Therefore, I support them in their observations.

I wish now to deal with two or three points on the general policy of Government. Those points are :

(1) Trade ; (2) Courts for administration of justice ; and (3) Education.

Trade.—In Your Excellency's Address you referred to Trade. You stressed on your advice to us that we should call for co-operation in our trade as well as in other aspects of economics. That advice bears reference to my experiences and observations of the time when I was touring my division with the Honourable the Chief Commissioner for the Eastern Provinces last month. In one of the meetings we had then, protests were laid before His Honour on trade in palm oil and palm kernels. In those protests the people exposed how much and the degree to which they have been exploited by Commercial Firms. Some of the grievances were satisfactorily explained away by the Honourable the Commercial Member for Calabar, who attended that meeting. In other cases in which he could not give satisfaction, the honourable gentleman promised to redress those grievances.

In that Meeting there was one point for which the people pressed. That was the question of *native middlemen* in trade. Our middlemen here, Your Excellency, are in a position similar to that of brokers in Britain and in other parts of the world of business. According to reports, trade in those countries cannot succeed without brokers ; and without doing business in such a capacity those people who are engaged in doing that business could not earn their livelihood, nor could they secure themselves with any means of subsistence. Brokerage therefore is the soul of business. It is an indispensable and honest source of income for sustenance of the lives of a majority of our people here. These people are known here as 'Petty Traders' or 'Middlemen'.

These Middlemen are those who buy from producers and sell to Commercial Firms. I am submitting, Sir, that in the interest of Nigeria in general, and of these men in particular, the policy of 'Live and let live' be adopted and practised, and that they be given the chance to earn a living.

Those traders complained also that the price of their produce as fixed by the firms was not just and fair ; and that the raising of the price as has been alleged will still be a heavy loss to them : because the type of oil wanted by the firms is such that will cost them more in labour to produce than the rise in the price promised them can compensate them. On that point also I am submitting to Your Excellency that this problem be given a serious consideration, and that the firms be advised to treat our people fairly and justly,

because no business can be a success unless the interests of the parties to that business be *equally* secured. Unless the agent and customer be equally protected and defended, we, as a Government, have failed in our trust and in our mission and administration. Therefore, the questions of middlemen and of produce price should be thoroughly and seriously considered and fairly dealt with.

Courts for Administration of Justice.—In another portion of Your Excellency's Address you said that Native Courts, particularly in the Eastern Provinces, have been reorganised. That, Sir, is a fact. But the nature, quality and extent of that reorganisation were a subject which was to be discussed in the motion of the Honourable the Member for Calabar Division ; but unfortunately he withdrew that motion and prevented this Honourable House from dealing with it on its merits. Does the reorganisation correct administration of justice in and by those courts in the true sense of that term ? Do litigants in those courts by merits have justice in the true interpretation of that word ? Under this heading, Your Excellency, I must stress that it is a duty incumbent upon us that we put our house in order, because the safest place in which one has to take refuge when one runs from danger outside is one's own house ; but whenever disorder invades and holds sway in one's own home refuge therein is difficult and impossible. Therefore, Nigeria, our house, Nigeria, our home, should receive our utmost consideration. We have been charged with a duty to put Nigeria in order. Nigeria represents to us the whole British Commonwealth of Nations. She is our immediate British Empire in miniature. Therefore, we in this Honourable House are responsible for her peace, order, prosperity and advancement. She is a link in the grand chain of the whole Empire, and no chain is stronger than its weakest link. One of the sources of the strength of a nation is strict administration of justice, seasoned with mercy according to circumstances.

The British Government and the British people are spotted out as a people noted for unqualified justice. Therefore, in these days of superlative anxiety and unrest in the world's history, British justice should pervade the whole atmosphere and saturate every corner of this dependency. Unbiased justice should form the canopy and the bed-rock, the pillars and the fortress, of Nigeria. Do Native Courts answer this purpose ? No, not in the least. The reason for this failure is, it is the judge who makes the court and not the court, the judge. The judge is the court. Our Native Courts woefully fail, because the men who are sent there are sensible of filling their pockets and receive instruction to make money into the revenue ; but they are neither qualified, nor are they born to be judges. Therefore, to them the word justice has no meaning. They are pitchforked into a position of great responsibility which they do not understand. Our Native Courts are made up of men who are not and ought not to be judges. A judge is born and not made. A judge needs to be thoroughly educated. Even then if he is not born to be a judge, all his education directs him towards his natural trade or profession for which he was born, but not towards administration of justice and maintenance of peace and order.

Government appears to shirk responsibility for the anomalies of the Native Courts, and to throw the whole burden upon Village Councils or the Councils of the Native Administrations which select members to Native Court benches. Who then is really responsible for all this corruption in the Native Courts ? The true and satisfactory reply to this question is not a far-fetched one. Government has taken an effective control of all Departments of service in Nigeria, and those Departments are functioning to the satisfaction of the Government. Why then should not the Government control administration of justice in the Native Courts to the extent of stamping out bribery from those

courts? The law that givers of bribes be punished with receivers of bribe encourages and supports bribery more than any or all other things. Exaggeration of corruption in the Native Courts cannot be found in any dictionary. Justice is the life of the whole universe: how much more of the Nigerian state!

Personally, I do not blame those Native Courts judges, be their error and corruption what they may. They have been entrusted with that which they cannot keep, or make good use of. Under the circumstances upon whom devolves the responsibility for trading with justice, and abusing the liberty, rights and justice which constitute the commonwealth of the whole human family generally? Can Britain live and prosper when Nigeria is kept under water? I pray, Sir, that a Commission of Enquiry be formed to inquire into and investigate the question of administration of justice in Nigeria, in and by the Native Courts. That is subject to Your Excellency's action and support.

Establishment of Appeal Courts for the Native Administrations is not and cannot be a remedy to the corruption which obtains in Native Courts, because when the source of a stream is pure, the main stream, irrespective of its current, must be pure; and when the source is impure, the main stream must naturally remain impure. Therefore, a corrupt Native Court of the first instance cannot produce an uncorrupt Higher Court of the same people and in the same area. I am a Native, Your Excellency, and I know *myself*! First things first—purify the source and the stream will purify itself: kill corruption in the Native Courts and the Native Appeal Courts will remain spotlessly just, true and equitable.

During the time His Honour the Chief Commissioner for the Eastern Provinces was touring the Calabar Province, he went round my Division, and I was with him through the tour in my area. Addresses and petitions were read to him. The people expressed that instead of allowing every taxpayer in the villages to be judges of the Native Courts, one man should represent a village. Whatsoever was the nature of the past experiences, the people are now getting wiser and wiser still. They do now understand that one judge to a village appointed for one Native Court is a satisfaction. A long bench encourages abuses and engenders and supports corruption. It is this system of judiciary that has driven our people by majority into laziness and penury.

I am, therefore, submitting, Sir, that the time has now come when Your Excellency should authorize a Commission of Enquiry to be formed and the question of Administration of justice in and by Native Courts be investigated.

Under this heading may I mention, Sir, that it is now time when our Government should extend its consideration to appointment of Africans to the bench as Judges. Those members of the Nigerian Bar who have publicly proved their mettle are qualified for such appointment which, I consider, should not be confined to those only who have already been appointed magistrates. On the Gold Coast there are African Judges. Inasmuch as our men here have given satisfaction in their capacity as magistrates, it follows that they will not in the office of judges abuse that trust. Even if any of them would fail, that would only be natural, because in every human group there must be some weak one. I am relying on my information that an Honourable Member of this House has been appointed a Resident Magistrate in Jamaica. That being so, if Your Excellency appoints qualified and efficient Africans to the bench as Judges, you would do much more to add to the progress of Nigeria. For that consideration I thank Your Excellency in anticipation.

Education—On the subject of Education much has been spoken in this House since the opening of debates during this Session. Men of professional calibre have fittingly qualified Nigerian Education as being inadequate. That being a general complaint through the whole of Nigeria, it is a fact which I support. Suggestions have been made for supplying the needs of our educational system; and more suggestions will ever be made; so I have a question to ask—In view of the fact that our Education Code, as it is at present, has taken a stand between us and our thousand and one suggestions for improvement of that system, will and can these suggestions remedy the situation? I would answer that question in the affirmative, on condition that something be done. That something is to trace the origin of education in Nigeria, to compare that origin with the system of education that we now have, to see where our mistake lies, and finally to correct that mistake. Now, Sir, I do not want to weary you, but by permission I wish to refer you to some letters written by Kings of Nigeria to their friend—a Sovereign of the British Nation. In the year 1842 His Majesty King Eyamba of Old Calabar wrote a letter through Commander Raymond to Her Britannic and Most Excellent Majesty, Queen Victoria, of blessed and glorious memory. That letter reads as follows:—

“ Now we settle treaty for not sell slave, I must tell you something
 “ I want your Queen to do for me. Now we can't sell slave again, we
 “ must have too much man for country, and want something to make
 “ work and trade, and if we can get seed for cotton and coffee we could
 “ make trade. Plenty sugar-cane live here, and if some man can teach
 “ we way for do it, we get plenty sugar too; and then some man must
 “ come and teach book proper, and make all man serve God like white
 “ man, and then we go on for same fashion.”

Your Excellency, that is the first letter. The second one expressed the same sentiment, and was written from the other side of Calabar River by His Majesty King Eyo of Creek Town the same year to the same royal destination. It reads as follows:—

“ One thing I want for beg your Queen. I have too much man now,
 “ I can't sell slaves, and I don't know what for do for them. But if I can
 “ get some coffee and cotton to grow, and men for teach me, I
 “ make sugar-cane for we country come up proper and sell for trade side,
 “ I be very glad. Mr. Blyth say England glad for such men for teach
 “ book, and make we understand God all same white man do. If
 “ Queen do so I glad too much, and we must try do good for England
 “ always.”

The third letter carried the same weight and was written on a very memorable occasion when Britain tangibly proved that her original purpose was to educate Nigeria thoroughly and give her all that education stands for. Evidently, the British Queen, Victoria the Good, commissioned one of her eminent men, Lieutenant Commander Selwyn to participate at Old Calabar in the coronation of Prince Archibong Duke, who was then to be crowned King Archibong I of Old Calabar. On the 28th May, 1894, the coronation took place, and the commission was accomplished.

In the evening of that day the African Sovereign responded to an invitation for reception on board the vessel *Teaser*, where continuation of the coronation ceremony was to be finally performed that evening. In further testimony of Her Majesty's promise to give true education twenty one guns were fired as a token of 'Royal Salute' to His Majesty announcing his approach to and arrival at the ship *Teaser*. After everything was done to crown the entertainment with success the royal Guest retired with pomp. That was the beginning of true education!

In grateful acknowledgement of the friendliness of the Good Queen of Britain His Majesty wrote the Commissioner the following day. The writing serves as our third letter on this occasion and reads as follows :—

“ Old Calabar,
29th May, 1849

“ Dear Sir,

“ I thank Queen Victoria for her good present, and hope she and I
“ be good friend, all same as she and King Eyamba. I thank you very
“ much for your kindness to me since you came here. I no will allow
“ any slave trade ; it be bad thing. I will keep treaty King Eyamba
“ make with Queen of England and I sign yesterday. I keep head for
“ which you say about Missionaries. They and we be good friends.
“ I give them place to hold meeting, and ring big bell in market-place
“ every God day, to call all man to hear God's word. I wish all good
“ to attend you.

“ I am your friend.

“ Archibong I.,
“ King of Calabar.”

I am therefore, submitting, Sir, that those letters which were written by the three Kings of Nigeria do form for the Government of Nigeria a constitution and curriculum for education in Nigeria. They constitute the foundation for our education. They comprise the correct kind of education which wins universal recognition. I do not wish to dwell on the interpretation and meaning of those letters. They speak for themselves. I am submitting to this Honourable House and to Your Excellency for consideration in relation to the full improvement that must completely be made in the education of Nigeria. We have now made the comparison. We have now discovered where the mistake lies and we are to set to work to correct that mistake. The correction required is this that “ the education which Nigeria wants is ‘ proper book ’ and ‘ all same-white-man ’ education ”. That is such education which will enable Nigerians to live and enjoy life fully and abundantly : all the education that obtains in Britain, in America, in France, and in other leading nations of the world, which possess and are possessed by education. As human beings we all descend from the same stock. We all partake of the same nature. We all share the same hope. Why then, Your Excellency, should we not get and enjoy the very same kind of education in all its ramifications ?

The conclusion that difference of environments breeds discrimination in education—such as “ Nigerian Education ”, Nigerian “ Teachers’ Senior Certificate ”, Nigerian “ Teachers’ Higher Elementary Certificates ”, Nigerian “ Teachers’ Elementary Certificate ”, Nigerian “ Honorary Teachers’ Certificates ”, and a thousand and one other “ Nigerian Teachers’ Certificates ”—is wrong and misleading. Outside Nigeria all such “ Nigerian ” certificates are turned down as useless according to the Honourable the Director of Education’s reply to one of my questions on the same subject. It is a fact that calls for no adjective to qualify it. Education needs no qualification. Education is education the world over. Education is “ effect proof ”. Local circumstances cannot affect education, nor have they any effect on a thoroughly educated man. All men are alike ; they have been alike at all periods of history, differing only because of environment. Even men may differ, as well as their environments, but education remains the same and intrinsic in its value ; it is a melting-pot. A soul is made wise and good, efficient and proficient by education. Such a soul finds every country accessible and his fatherland wheresoever he sets foot on the whole earth. Wherever he fixes his seat, there is his home, his business, his

prosperity, his wealth, and his life in abundance. Nigeria therefore solicit Your Excellency's sympathy to grant her full and complete scope and facilities for effective education; to grant her entire liberty of educating her head, her heart and hand fully and completely: then you have nothing more to give and she has no more need of making further demands, requests, petitions, and appeals; then Your Excellency would fulfil all conditions of trusteeship, a responsibility with which Britain has been charged to this no mean Dependency. Thereby Nigeria will ever continue to abide loyally to the Crown which has done so much for her. Sir, we want "education"!

The present system of education is known as "Colonial Education". I submit, Sir, that nothing "Colonial" coupled with "Colonial Education" can bring Nigeria to the level of nationhood. "Colonial education", as defined by a Professor of Yale University, "is a process of instruction by which a human being is changed from what he is to something that those in authority wish him to be". With that definition in view, our existing "Education Code" is a case in point. The system of education contained in it is such that keeps on producing clerks and teachers; teachers teach and produce more clerks and more teachers; and the clerks receive the salaries and spend in producing some more clerks and some more teachers, and some *servants* of low grades in a few other Departments of service, with low and insufficient pay. "Colonial Education" does not enable the so-called educated to stand by himself. It has no bearing on the life of the people. There is no real life in it. It is abstract, does not fit one for living and does not give enough scope for one's initiative. Under this heading comes "Missionary Education" which is content to save the souls of men, but has no apparent interest in their material needs, economic and social. "Colonial Education" is the best gospel and the sublimest policy of keeping the people under subjection by keeping them poor. That system of education places nothing before us that is capable of producing a leader of independent mind who is qualified for constitutional leadership. I submit, Sir, that our "Education Code" be improved.

May I call Your Excellency's attention to the "Education Bill" which has just been passed to the new "Education Ordinance". In that Ordinance a school is defined as being an assembly of nine children. The amendment made was that the number of children in a school should remain the same as that in the old "Education Code"; and we thought that nine was the number in the old Code. But here are two copies of the old Code of 1935 and 1941, respectively, which read as follows: "School means an institution in which not less than "10" pupils receive instruction. . . .". We did not emphasise the word "nine"; but we stressed that the same number of pupils contained in the old copies of the Code should be continued in this new one.

His Excellency :

I should like to interrupt the debate for a moment. The Honourable Member has called my attention to the fact that when the Education Bill was amended the figure 9 was substituted for the figure 6, under the mistaken impression that that was the figure in the old Bill. That was my impression also. I understand that the correct figure is 10, and I feel sure that Honourable Members will wish to go back to the old figure. I think that under clause 41 of the Standing Orders of Council I can re-commit the Bill for consideration, and since I have not yet given my assent to the Bill I am quite prepared to return it to Council for amendment on this one point.

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

I thank Your Excellency for accepting my proposal for that amendment. My second answer to the same question is in the negative—our system of education will ever remain inadequate unless we go right to the root of education required by our parents for Nigeria. Those Kings knew, even in those dark days, that the only system of education that could save Nigeria was “all-same-white-man” education, from the nursery school to the university. The parent is the proper dictator of the child’s education. Education in Nigeria should be left into the hands of the parents, and the Government should finance and inspect the same. In Britain, America, France and Germany education is shared to every child; even defective children are sufficiently provided for. The current of learning in those countries keeps running down without a check. All hindrances are removed. The Governments of those places are sentinels to tear down all difficulties in the way of their education. But in Nigeria the Education Code from the onset calls for costly buildings, costly equipments, costly staff of teachers whose many precious years are wasted in training without universally recognised certificates in the end and who may remain teachers in the whole of their lives with little or no encouragement to make the *real* provision for the education of their children. Everything that is thrown in to make up “Nigerian” education must rise in price. Education itself remains unattainable until such costly conditions are fulfilled. Thus our Education Code places a cart of impossibility before the horse of our national advancement. My speeches on the same subject in the Budget Sessions of March, 1939, 1940 and March, 1941, respectively, strongly support this view. They will be found in the Council Debates of the Sessions to which I am making this reference.

Therefore, I am submitting, Sir, that now is the time when the Government should place education in Nigeria in the third position in the Estimates and that the third of the highest votes should be that for education. Thereby the Government would not be the loser, but would fulfil its obligations of Trusteeship to Nigeria. Nigeria has long remained and considered a “Cinderella” in matters of education. Her loyal services have proved her a faithful daughter of the coveted British Commonwealth of Nations. Obviously she merits not less than a hundred per cent reward, educationally. Our Kings called for “All-same-White-Man” Education, and that, Your Excellency, is the kind of education we, their children and successors need. “Ring out the old, and ring in the new”, says a poet.

I wish Your Excellency and the Heads of Departments of the Service every success in the proper administration of this country, and I thank you in anticipation of the support.

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

It is gratifying to know, Sir, that the Budget has been balanced without our having to draw on the resources of Native Administrations. The Memorandum on the Estimates drawn up by the Financial Secretary rather left me in doubt as to the intention of Government towards the £215,000, but in Your Excellency’s Address you made the point quite clear that it is the intention of Government to refund the £215,000 to the Native Administrations.

Your Excellency referred in your Address to the 1,200 tons of rice supplied to the Army last year from Abeokuta. I hope the Agricultural Department will encourage rice production in Abeokuta by setting up rice mills at the different large rice growing centres there. The process of extracting rice from the pad at present is rather tedious and primitive.

Reference was also made by Your Excellency to the fruit juice industry at Abeokuta. This is under private enterprise. The Administration allows a small subsidy, I think the industry requires some encouragement so that it may be run on a more elaborate scale.

The Rubber Industry: some years ago para and other rubber trees were planted at Abeokuta on a large scale. But the supply exceeded the demand, and the industry died out. A small portion of the trees are still in existence and with a fair rise in price the industry will be extensively developed.

In the Memorandum on the Estimates reference was made to the expansion of clinics and child welfare activities which necessitate an increase in the number of nurses and midwives. Under this head I would like to call the attention of the Director of Medical Services to the fact that in the African Hospital at Abeokuta provision was made for only four beds in the maternity Ward.

The absence of school clinics in the provinces particularly at Abeokuta is very keenly felt. The large number of eye diseases among school children is appalling.

The Honourable the Third Lagos Member had said it was unfair for Europeans to come out here on salaries of £400 to £500 a year as this will be inadequate for their expenses. I am in agreement with the Honourable Member on this point and in order to substantiate this I will just refer to a case which came before the Magistrate's Court at Abeokuta recently. A European in the Medical Department whose salary was £400 to £500 per annum got into difficulties and was arraigned before the Magistrate. He pleaded guilty and in extenuation he said it was the fault of the Government for paying a salary far below his monthly expenses as he had to keep a car, etc.

May I call your attention, Sir, to the very unsatisfactory mode of selection of chiefs in the provinces.

The people themselves have a recognised system of electing a successor to important titles in the provinces—particularly at Abeokuta. But now when this matter had to be looked into by Administrative Officers, they simply make a muddle of it.

In the Public Works Department some years ago, young men who have passed Class II were recruited with a view to their being trained as Road Overseers. But these young men have been there for five to six years and their position cannot be satisfactorily defined; in fact they are being used as labourers and paid as such. I think something should be done for them to improve their condition.

Sir, I would strongly suggest that the Information Officer should send a Representative to the provinces to ensure a better distribution of his literature. I find that in Lagos the pamphlets are well distributed, but it is otherwise in the provinces.

Sir, I would like to refer to the question that was raised by the Honourable the First Lagos Member about Mr. Adebessin Folarin who was engaged by the Egba Native Administration as President of the Native Court.

This gentleman served for twelve years in that capacity and on retirement was offered only £166 as gratuity. I happened to be a member of the local Council. The Council was only informed by the Administrative Officers about the figure that was to be paid the gentleman, it was not asked to award a sum that was considered appropriate.

The Mining Member (Lt.-Col. the Hon. H. H. W. Boyes, M.C.):

Your Excellency, I should like to associate myself with the very many welcomes extended to you, the Honourable Chief Secretary and Financial Secretary.

There are just two points I should like to mention. One is a suggestion, a recommendation made in Finance Committee, that the Geological Survey Department should be strengthened. I think that is very important. After all these speeches I don't know whether there will be any money left, Sir, but if some can be rescued and spared to this Department it will be of great value, because your mineral field is going to be very strained during the next couple of years in the effort to get out the maximum required for the national effort. I consider that if some geological survey work could be done during the war it would also be of considerable help after the war.

The other point is the question of complacency. I agree with the remarks of the Honourable Member for the Rivers Division on this subject. It is rather hard for me to judge, I have only been back in the country a few days, and we have Your Excellency's assurance that there is no complacency on the part of Government, but even in the few days I have been back I have gathered there is a feeling among the general public that there is a certain amount of complacency, that not everything is being done, though everyone is very willing to do all they can.

There is one other thing that occurs to me. Even if there is no thought of invasion in Nigeria, I wonder if it is too early that the natives, especially the primitive tribes, should be gradually educated up to what they should do if there was an invasion, so that the repetition of having all the roads crowded by civilians, as happened in France and other countries, could be avoided. I commend that to Council.

The Director of Education (The Hon. E. G. Morris, O.B.E.) :

Your Excellency, several Honourable Members on the other side of the House have referred to the need for compulsory education in Nigeria. Well, Sir, that is the aim of the Education Department, one of its aims of policy, but it must of course be a very very long range policy. If we were going to have compulsory education in Nigeria, this would require practically the whole of our present revenue, and Honourable Members will see that it is really not practicable at the moment.

Several references have been made to the uncertificated teachers. The Honourable Member for the Ijebu Division seemed to think that there was very little distinction between the certificated teacher and the uncertificated teacher. Well he, as a Medical man himself, must know there is some difference between a licensed and unlicensed medical practitioner, and it is very much the same distinction in regard to certificated and uncertificated teachers. No doubt there are very excellent unlicensed medical practitioners, as there are uncertificated teachers, but the man who has had a long training for a profession does expect to get some reward and consideration for the time and money spent in acquiring his qualifications. It was thought by some members that it was hard that uncertificated teachers did not share in the distribution of £26,000, and the Honourable the First Lagos Member asked me a question about that in Finance Committee. I think I suggested then that a figure of 150,000 would have been required if the uncertificated teachers were to share on equal terms in that grant. On going back to the office afterwards and referring to all the Estimates I had received from the Missionary Societies, I found that the sum required would be £150,000.

Then several Honourable Members drew attention to the fact that that legitimate but unwanted child of Government, the Education Department, was being very poorly nourished. That is a view of course with which I have a great deal of sympathy, but we hope that the Colonial Development Fund is going to come to our rescue and give us those supplies of nourishment which our own Government is unable, owing to the financial position, to produce.

The Second Lagos Member and other members have drawn attention to the question of promotion to Education Officers of existing members of the staff. The conditions governing the appointment of Education Officers are laid down in Sessional Paper No. 10 of 1938. That paper was introduced with the consent of this Council. It may be that the qualifications demanded by that paper are not, in the opinion of members, necessary, but that is a point for this Council to decide. We all know there are many people who can argue the hind leg off a donkey, but, unless they have been called to the Bar, they are not allowed to use that gift in court and so create a demand for wooden legs amongst our local legal practitioners. You may have a good teacher, but if a man is going round the country on inspection duty he has got to inspect the work of highly qualified men, both European and African. He must have behind him the prestige of professional qualifications. It is quite true that a few years ago two members of the teaching staff were promoted as an experiment to the rank of Education Officer—I think they called it Assistant Superintendent in those days—but I am sorry to say that the results of that experiment were not very encouraging.

The Honourable Member for the Cameroons brought up several points in connection with the Cameroons Province. Fortunately I feel my conscience is fairly easy at the moment, because the late Acting Financial Secretary, just before he left on transfer, went down to the Cameroons and I had the good fortune to be on the same boat with him and to make representations about the condition of education in the Cameroons. As a result, when he returned to Nigeria he agreed to increase all the grants for missions in the Cameroons by 50 per cent. We have four Government schools in the Cameroons, a good many more than in many other provinces, and although it is a backward area educationally—I am sure the Honourable Member will pardon me for saying so—Government is trying its very best to remedy that state of affairs and to improve the educational facilities in the province.

The Honourable the First Lagos Member made a very handsome acknowledgment of the work of the Mission Societies in Nigeria, and I should very much like to associate myself with his remarks. We all know that we want to increase our educational facilities, but what the position would have been without this wonderful assistance from the Missions I tremble to think.

The Honourable and Reverend Member for Calabar in his very interesting speech made reference to the Board of Education, and he suggested that certain scales of salary proposed by me had been found acceptable to the Board. Now I did not propose those scales of salary; they were proposed by the National Union of Teachers. I considered they were very moderate and reasonable scales and they had my support. The Board passed a resolution approving those scales, but with certain provisos, the main one being that the needs of the rural areas should not be neglected. It was felt that if Government were to pay 100 per cent on all certificated teachers' salaries there would be a danger that too much money would be spent at once and not sufficient left for rural education for the masses. But I hope we shall get sufficient assistance from the Colonial Development and Welfare Fund not only to pay 100 per cent salaries for all certificated teachers but also to provide for the needs of the rural areas.

Another point brought up by the Honourable and Reverend Member was increased African representation on the Board of Education. I am quite certain, Your Excellency, you will be prepared to go into that matter, and if you think Africans are not properly represented you will agree to further representation.

There seems to be an impression abroad that the Education Department is persecuting all the private schools in Nigeria. I had hoped to find time to go back to my office before speaking this afternoon to find the exact number of private schools against which proceedings have been taken during the three and a half years I have been in this country, but unfortunately it wasn't possible. However I am quite certain it would not amount to more than half a dozen schools. I think I know why this impression has got abroad; it is because it was laid down by an Advisory Committee in London that they did not see there could be any system under which grants-in-aid by Government could be given to private schools. I think that is the reason the private schools are said to be not getting a square deal. The Department has no animus whatever against private schools. Every help is given to them by Inspecting Officers who advise them of the best way to improve conditions. But as in most schools in Nigeria money is very scarce. We are a long way from that happy time which has been prophesied by the Reverend Members for Ondo and the Colony, when Education Officers will be able to patrol the country with a large cheque book in their hands and a large bank balance behind them, signing cheques right and left to remedy all the defects in the schools. It is a very pleasant picture, but I am afraid it will take a long time to realise it.

I can assure the Honourable Member for the Ibibio Division the normal school age is not two years in England. I think it is between five and six. We have got a problem now with the number of children going to school, starting at five years. That problem is going to be a very much graver one if we are going to take pupils at two. He wants to make Nigerian education "all same like England", but some people may levy the criticism that our education is too much "all same like England" to-day. My Honourable Friend the Director of Agriculture will bear me out when I tell you that the other day there were I think over 150 candidates with the Cambridge School Certificate applying for some fifteen posts in his Department. And, apropos of that, the Honourable First Lagos Member might be interested to hear that the Agricultural Department, in order to select the best candidates, gave them an examination in spite of their school certificates. I think that is a very general tendency now; although we have not got entrance examinations for the whole of the Civil Service in Nigeria, we are gradually getting departmental examinations for all candidates who are entering Departments.

I think, Your Excellency, those are the main points brought up by Honourable Members.

The Director of Agriculture (Capt. the Hon. J. R. Mackie, C.M.G.) :

Your Excellency, most of the Honourable Members on the other side of this House have made some reference to the need for getting on with the war effort. Well, for two whole days we have been sitting listening to members' speeches; some were to the point, some were not. In the meantime a considerable body of manpower has been immobilised. May I suggest to Honourable Members that one way in which they can help the war effort at a time like this is to economise in words and let us all get on with the job.

I would like to thank Honourable Members again for the very kind things they have said about the work of the Agricultural Department. Although it is true that in some respects we are amateurs in regard to some of the things we are prepared to do, as they are not strictly agricultural enterprises, nevertheless in my opinion it is better to attempt to do something than to do nothing at all. In particular there is the point raised by the Third Lagos Member regarding fisheries. It is true that when the officer who is in charge of this work agreed to tackle the job he was an amateur. He himself pointed

out to me that although he was very keen on everything to do with fishing he was not an expert. It seemed to me that there was a possibility of doing good work which would help the war effort if we got to work at once and that if we waited until we could get an expert it would be months, perhaps years, before we could make a start. Captain Dowson spent his leave studying every possible aspect of the fishing industry and has been stationed at Ajese Beach for over a year; and whether or not the Honourable Member still regards him as an amateur I think I can safely say it would be almost impossible to find anyone who now knows more about West African fisheries than he does; but if the Honourable Member will suggest to me where I can find an expert I shall be only too pleased to receive information.

There is one point I would like to make about the policy of making Nigeria self-supporting as far as possible. That is not a policy which was forced upon us by the war; that policy was decided upon two or three years before the war. When I first became Director of Agriculture I discussed it with His Excellency at once. It is true that at first progress was slow, because of the amount of experimental work to be done, but when the war came the work which had been done enabled us to put the policy into effect, and we took the opportunity which the war provided of going ahead with certain lines which we felt were absolutely sound.

This policy offers tremendous scope for Africans to take part in the development of their country, and I must confess I am very disappointed that Africans have taken so little advantage of the opportunities which are now open. I am absolutely convinced that until Africans are prepared to help themselves and to help each other, they will not take the place they want to, either in Government service or in helping the country.

The Honourable Commercial Member for Lagos asked me if I would enlighten him as to the steps which Government officials and others in the country were taking to push up the production of the many products now being asked for. To give him a full answer to that would be rather to go through all the work of the Agricultural Department and all the steps which have been taken since war broke out. Actually in Nigeria this situation has not taken us by surprise. It is true that we have not been able to do as much as we should like to do. There have been times when Government has not required a certain amount of our produce, but that time is past. We are now concentrating on supplying food and supplies for the troops in addition to supplying the people of Nigeria with foodstuffs and producing such exports as are asked for by His Majesty's Government.

And perhaps the most important step which Government has recently taken for pushing forward production as rapidly as possible is the formation of the Supply Board, on which Unofficials are being represented. Every effort is being made to ensure that the prices are published and circulated as rapidly as possible after they are received; and I should like to say here and now that any assistance which Unofficial Members can give in making known to the people the need for still greater production will be very much appreciated. There is no question about it, Nigeria's function now is to produce, and any steps which we can take to encourage production will be taken if they are at all practicable.

The Honourable First Lagos Member asked me if anywhere in Nigeria there was a scheme by which boys could obtain instruction in up-to-date farming methods and then be assisted to settle on the land. The answer is yes, there is such a scheme in existence in the Northern Provinces, and I personally think that it is progressing satisfactorily. But a person who wishes to make a success of farming must be prepared to work extremely hard, and during the first year or two the returns will not be very great. I do not

think therefore that such a scheme would appeal to the type of boy the Honourable Member has in mind. I have, however, had under consideration the possibility of a similar scheme on a big scale in the Southern Provinces, but I am afraid it will have to wait until after the war; there is too much to do now with other things. However, despite the war, we have, in co-operation with the Education Department, this year started a Farm School at Oyo, and, attached to this, there is an area of land which is available for settlement by the pupils if the latter are unable to obtain land in their own villages. I regard this as an essential part of any Farm School project.

The Acting Director of Medical Services (Dr. the Hon. G. B. Walker) :

Your Excellency, many of the medical problems raised during the debate were dealt with at the Committee stage, and I therefore propose to confine my remarks to the major issues which have been brought up.

The Honourable the Commercial Member for Kano, in what I consider to be an otherwise excellent speech, suggested that for the period of the war the Sleeping Sickness Service should be dispensed with and the members thereof disbanded. In a subsequent breath he stressed the necessity for the maximum production of strategic war materials. Those two sentiments, Sir, are clearly incompatible, as you cannot expect maximum effort from your labour force unless you maintain its health.

I should like to quote a few figures in regard to the activities of this branch of the Medical Service. During the past three years they have treated and cured over 85,000 cases of Sleeping Sickness. Of those, 22,250 were treated during the year 1941, when our treatment teams had been reduced to one. But the significant thing is that, of the 22,250 treated, almost 16,000 were treated on the minesfields. I am sure that the Honourable the Mining Member will back me up when I say that his labour problems would be greatly increased if the suggestion of the Honourable the Commercial Member for Kano were carried out. I will quote some further figures, concerning in this instance the population in the Zaria Emirate. Between the years 1923 and 1933 it is estimated that the number of adult males in that Emirate decreased by 12 per cent. In 1933 the population had fallen to 373,195, when the Sleeping Sickness campaign was first inaugurated in this area, but by 1939 it had risen to 418,032; not all due to the activities of the Sleeping Sickness Service, but mainly due to it. I submit, Sir, that there is certainly no case for dispensing with the services of these officers.

The Reverend and Honourable Member for Calabar suggested this morning that an easy way to economise would be to dispense with the services of our Nursing Sisters: false economy in my opinion! Our Nursing Sisters are those mainly concerned with the training of Nurses and responsible for the considerable rise in the standard of nursing that I myself have observed in my short period of service in this country. It is certainly in the main due to their efforts and not to the efforts of our medical men, who are not themselves trained nurses and who in any case have their own particular duties to perform which take up most of their attention.

The third point I want to refer to is the vexed question of segregation. I regret very much that the Honourable the First Lagos Member raised a question like this when he probably knows that for the past thirty or more years the Medical Department has been fighting the cause of segregation. At last we have succeeded in inducing the powers that be to see that there is more in the case than meets the eye. There is no question of colour bar, Sir, and never has been. It is purely a health problem, one which is particularly designed to reduce the incidence of insect-borne disease. Not alone Yellow

Fever—we can now control that by inoculation—but other insect-borne diseases, such, for instance, as malaria. The African, born and brought up in this country, Sir, develops a considerable amount of acquired immunity.

The European coming to this country has none of that immunity, and it is most desirable that he should be housed as far away as possible from the large reservoir of infection which is represented principally by the children in this country. We have therefore tried to urge Government to establish reservations and reduce that reservoir to the largest possible extent. As I said before, there is not the slightest question of colour bar; and I feel quite sure that the Honourable Member will not accuse the Medical Department of encouraging any such bar.

The Reverend and Honourable Member for the Colony has asked me if there were any vitamins in palm wine. I can assure him there are, and very valuable ones: so much so that I have, on more occasions than one, recommended to the Military authorities that they should include a ration of palm wine every day for the troops. I would further like to assure him that we have in the past carried out a considerable amount of research into nutrition in Nigeria. We have amassed extremely valuable data, and we are still doing so.

Sir, I beg to support the motion.

His Honour the Chief Commissioner, Eastern Provinces :

Your Excellency, there has been comparatively little criticism of provincial and native administration in the Western Provinces. The Honourable the Second Lagos Member and the Honourable Member for the Egba Division touched on a very important question the difficulties which arise from the selection of chiefs, especially in the Yoruba provinces. I admit the importance of that question and certain constitutional problems will arise in the future that we will have to tackle. But the advice of the Honourable Members is inconsistent. The Honourable Member for the Egba Division suggests that the trouble springs from the interference of meddling Administrative Officers, and, on the other hand, the Second Lagos Member urges me and my officers to take an active hand in their disputes because the people consider that only by our action can satisfactory results emerge. Well, Sir, our policy is to draw a middle course between those two extremes. We throw the weight of our advice and influence in the scales on the side of custom and tradition, and where it is possible to arrive at a solution on those lines we are well content. But where we find a town is actually divided in two contending halves then it is impossible for us to exercise our influence in a decisive direction and we can only postpone a decision until a greater measure of unanimity has been arrived at. I can assure Honourable Members that any assistance they can offer me in the solution of these points will be received with gratitude.

The second question mentioned by all three Members for Lagos concerned the Ilesha prisoners. The people of Ilesha, Sir, have shown loyalty and good sense in recent months and Your Excellency, in recognition of their attitude, has recently released four of the shorter sentence prisoners. There remain I think some fourteen sentenced to long terms of imprisonment. I have recommended to Your Excellency that subject to continued good conduct on their part they should be released on the 1st of September next, and I understand that Your Excellency has directed that that recommendation shall be placed before His Excellency the substantive Governor on his return from leave.

The third question mentioned by the Honourable the First Lagos Member and the Honourable Member for the Egba Division concerned the gratuity payable to Mr. Folarin, Law Judge. Well, Sir, his gratuity was assessed along lines which apply in Government service to those who are non-eligible for pension and did not contribute to the provident fund. It was approved by the Alake and Council and I passed it on those grounds. It is true that in the past other employees at Abeokuta have received more substantial gratuities. The reason for that is that they were originally employed by the Egba United Government, which granted gratuities on a scale far higher than the present native administrations can afford. I maintain, Sir, that Mr. Folarin received equitable treatment, but in view of the criticism that has emerged in this House I will cause the matter to be referred again to the Alake and Council in case they wish to reconsider it.

Turning to the Eastern Provinces, Sir, the burning question of course is Native Courts. I appreciate the public spirit which caused the Honourable Member for Calabar to move the motion which we discussed the other day, and I acknowledge his undertaking and his pleasing action in withdrawing it on the grounds that a Commission of Enquiry would interfere with the war effort. But we have heard considerable criticism from the Honourable the Member for the Ibo Division, the Honourable Member for the Rivers Division and the Honourable Member for the Ibibio Division, and I wish, Sir, to make it clear to those Honourable Members that I am in full sympathy with many of the points they emphasise. For this "Long Bench", as it is called, I hold no brief, nor any of my officers; it is only there because the people desire it. I am told that there are on the benches of the Native Courts a number of ex-convicts. Well, Sir, when that fact is brought to our notice and people desire to remove them we support that. I am told that Native Court benches include men of straw, men of no standing. Well, if that is so, those men are on those benches because the people themselves desire to have them there, and it is up to them to replace them by better men at any time. I hope Honourable Members will cast their influence in that direction as the Ibibio Union is already doing. For my part I look forward to the time when our Native Court benches will be of smaller proportion; and it may be in time to come that we shall arrive at that happy state of having stipendiary magistrates. But if that day ever comes I hope those magistrates will not follow the advice of the Honourable Member for the Ibo Division and use matchets to disperse justice. If so they will be helping to swell the ranks of ex-convicts.

A further important point, Sir, concerns representation of the Ibo Division. I acknowledge the force of the Honourable Member's contention that the four or five million Ibos are inadequately represented at present. That matter is engaging Your Excellency's attention and I am sure it will not be long before the people of Iboland are afforded wider and better representation.

The point was raised regarding street lighting at Enugu, my headquarters. It is a fact that there is no street lighting. It would not be possible to introduce it now in war time, but I hope this will be possible soon after the downfall of the man Hitler.

The Honourable Member for the Cameroons mentioned an important road—the Mamfe-Kumba Road—which is the life line of the Cameroons Province. I had thought Sir, that at long last we had secured approval and funds for that project. I fear that strategic considerations have held it up but I hope it will be completed at no distant date, certainly when the war comes to an end.

Regarding the war effort we are all engaged upon, the Honourable Member for the Rivers Division spoke of the four aims. Well, as regards men, the first aim, the Administrative Officers, particularly in the Eastern Provinces, will devote their whole time and energies to encourage production by every means in their power, and I and Residents will do all we can to relieve them of the burden of work that ties them to their office tables. I have made one or two concrete suggestions to Your Excellency which I hope may be discussed before I leave Lagos. If I understood the Honourable Member for the Rivers Division to suggest there were too many young Administrative Officers about the country—I may have misunderstood him—then I can assure him there is not a single District Officer or Assistant District Officer or even Resident who would not happily lay down his pen and files tomorrow and go and join the forces of the Crown where he could be of military service. And I would like here to acknowledge the tribute paid by the Third Lagos Member to the work done by Administrative Officers.

As to morale, I quite agree that perhaps we have not done as much in the way of active propaganda as we might have done. I had hoped we might have sent a mobile cinema round the country. However, I have recently discussed a suggestion with the Information Officer that a propaganda mission should travel through the Eastern Provinces, and I hope that may come about.

Finally, as regards materials, now is the time for people of the Eastern Provinces to devote the whole of their loyalties and efforts to increase the production of oil, kernels and rubber. And, judging from their ready response to demands made upon them, judging by their prompt and loyal payment of taxes during the past year, I believe that Your Excellency's appeal will not fall on deaf ears and that at the end of the season we shall have cause to say Nigeria has done what is expected of her.

The Hon. the Chief Secretary to the Government :

Your Excellency, to begin with I should like to thank Honourable Members for the kind welcome extended to me, and I would like to assure them that during the time I am in Nigeria I will do my best for the country and, I trust, with not too much complacency.

Now I understand, Sir, that it is usual for the Chief Secretary in this debate to speak at considerable length and to deal with the points that have not been touched upon by the technical officers of Government. But it will be appreciated I am sure, Sir, that as I have been here for such a short time, one month exactly, it would be impossible for me to do so. By and large, therefore, all I can say regarding the many suggestions and requests that have been put forward is that they will receive consideration: I gather that a number of them have already come up for consideration by the Government at a previous time and been rejected for one reason or another. Before I would be in a position to say whether or not they can now be met I must go into the past history and find out what was done and why it was done.

There are, however, a few matters that I should like to touch on very briefly. The first one deals with criticism by unofficials of Government and co-operation of Government with unofficials and, more particularly, the commercial community. I have made enquiries, Sir, and understand that it has been the policy of Government, certainly in recent years, to take into consultation unofficial persons and Members whenever possible, and it is certainly my intention to carry on with that policy. I would, however, here like to remark that sometimes co-operation by Government is taken to mean that Government should do what that particular person who is advising wants

it to do. Well that I cannot guarantee to do, but I certainly am ready at all times to listen to any suggestions and, if necessary, to discuss them with the person who makes them.

On that question of complacency, Sir, to which reference was made by the Honourable Commercial Member for Kano, I would like to inform him and other members of Council that Mr. Hoskyns-Abrahall is very shortly going on a tour, when he will get into direct touch with Residents, District Officers, and others—Non-Government persons—throughout Nigeria, and can discuss all their problems with them in a friendly and informal way. One of the main projects of his proposed tour is that he should, in consultation with Government officers, discover how unnecessary red tape can be reduced in time of war.

Now to deal with some of the points which I have noted. First of all there are the recommendations of Finance Committee itself; the Honourable Mining Member mentioned one in particular, and those will all be given full consideration. The Honourable Member for the Rivers Division was somewhat doubtful about the Welfare Officer for the Railway, as to why it was necessary to obtain someone from abroad, and why an African could not be appointed straight away. On that point I should like to say that welfare work is in a way specialised work: it is work that can be learned, but when one is starting up something new it is as well to get the advice to begin with of someone who has had a good deal of experience and training. I have no doubt that, with the passage of time, and not a very long time, it will be necessary to give that officer the assistance of some African Welfare Officers. We shall, of course, have to await his arrival and his recommendations after he has been here and seen how things are.

Some Honourable Members referred to the Information Officer and suggested that more might be done by either he himself or his Assistants going throughout the country. I think that is a very sound suggestion, but the difficulty hitherto has been the question of staff. His Honour the Chief Commissioner on my right has already mentioned that he has discussed certain matters with the Information Officer and I myself will take up other suggestions that have been made during the course of the debate the last few days.

I feel quite sure that Honourable Members, after listening to the Honourable Director of Agriculture, will feel reassured on this question of production, and as a newcomer to Nigeria may I say that one of the things that struck me most on coming here was the tremendous amount of work that had been done in war production and in making ourselves self-sufficient. It would certainly be greater, in my opinion, than in any of the West Indian islands, from which neighbourhood I have come.

One Honourable Member, I think it was the Honourable First Lagos Member, asked if Government had taken any steps or was considering what was going to be done with all the soldiers on demobilisation. That is a matter that must be dealt with by Government and some plans drawn up before the time actually comes for these men to be demobilised, when we achieve victory.

There were as usual, as I have read previously, references to the Africanisation of the various branches of the Civil Service. All I can do is to assure Honourable Members that the policy of Government is that if there is a vacancy we want the best man we can have to fill it. That is the sole test—he must be qualified and must have the necessary characteristics for the post.

Two Honourable Members referred to some reduction in salary scales that were made in the Prisons Department in the year 1934. Well, I made

certain enquiries regarding that, and I find that in April, 1934, the lower grades of warders were on scales of salary out of all proportion to other scales in Government service and out of all proportion to the work they were doing. Therefore the scales were revised. They were revised in a downward direction, but the existing rights of the men who had come in before 1st April, 1934, were fully protected. And on that same subject the question was raised of the replacement of clerks by illiterate warders. I am informed, Sir, the position was that in many small outstations there was no justification whatever for having a clerk there. What happens now is that young men are enlisted, they are trained at Prisons Headquarters, and then sent out to do their various tasks. And they need have no fear, if they are good men and do their work properly, regarding their prospects in the service later on.

The Honourable First Lagos Member mentioned a point regarding entrance into the Civil Service. I was somewhat surprised to learn that entrance was not by competitive examination. There may be good reasons for this, but I was surprised to hear of it, and it is a matter I shall go into myself very shortly.

Another small matter concerned female nurses on transfer having to travel third-class. That sounds unreasonable and I will give that my attention.

The Honourable Mining Member referred or enquired whether Government was taking steps in the event of Nigeria being invaded. I think he will appreciate that I am not in a position to answer that question, but the matter is being taken care of.

The Honourable Third Lagos Member enquired regarding the report on Forestry production in Nigeria. We have been unable to trace the reason why it was regarded as confidential. I think there was sufficient reason at the time, but I can assure him it is not regarded as confidential any more.

The Honourable Member for the Rivers Division suggested that more industries, and by industries I understood him to mean something where you require a factory or machinery, that more of these should be set up in Nigeria. He also referred to a brewery I think. Well there is this difficulty, Sir, that it means importing plant and machinery, which in itself is very difficult. And again, starting up a new industry with new machinery very often means that you have to import someone to teach our people how to work that machinery, so it is not altogether an easy matter. Government is looking into one particular aspect, the jute industry, but otherwise I cannot give any undertaking that there will be extensions to other industries. If possible it will be done.

Those, Sir, are all the remarks I wish to make. Once again I will assure the Members of this Council that during the time I am here I shall do my best for Nigeria.

The Hon. the Financial Secretary :

Your Excellency, it is only left for me to say a few words. I think it has been quite clearly shown, Sir, in the course of the debate that there is really no difference on each side of the House as to the road which we should travel, although some Members think we might push along a little more quickly than we are doing in some directions.

Now, Sir, there are two or three points only to which I must refer. One raised by the Honourable Member for the Ijebu Division is the question of rubber, to which I am afraid Honourable Members did not get a clear answer at the Committee stage. The position is that permits to tap wild rubber in both Native Authority and Government Forest Reserves are granted freely to all applicants by Forestry officers. There used to be a fee of 20s, which has been reduced to 2s 6d. And also, Sir, a scheme has been started

to teach the people the proper method of tapping wild rubber. But even if a man doesn't know how to tap rubber there is no objection to his taking out a permit and trying to get rubber after his own fashion.

A point raised by the Honourable Commercial Member for Lagos was the question of distribution of imported goods. It will be necessary to control the distribution of these goods to some extent in order to ensure that certain imports such as motor cars, bicycles, tyres, etc. get into the hands of the people who really need them.

I think the only other point, Sir, is that the Honourable Commercial Member for Kano asked us whether Government was alive to the necessity of providing transport, storage and so on for the large groundnut crop which we expect to be produced in the Northern Provinces. Surprisingly enough Government has anticipated this and made arrangements accordingly.

I think that is all I need say, Sir, and I therefore beg to move.

His Excellency :

Before I put the motion to the vote I wish to add a few words. In the first place, I should like to thank Honourable Members who were good enough to extend a personal welcome to me. I greatly appreciate it. In the second place I wish to express my appreciation of the assurance given by Honourable Members of the loyalty of the people of Nigeria to the British Empire to which we all belong. I am very glad to have that public assurance for the benefit and for the encouragement of our friends outside Nigeria, and for the discouragement of our enemies. As to myself, I have such a long acquaintance with Nigeria that it was quite unnecessary for me to have such assurance—I knew about it without being told.

In connection with that, it has struck me that the main theme of criticism of Unofficial Members of Government's activities is that enough is not being done to further the war effort in Nigeria. Let me say at once I appreciate that attitude. As I told you in my opening words of this Council Session, I don't think we can ever do enough, but it will be my earnest endeavour as long as I am in Nigeria to see that everything possible is being done to further the war effort: There is just one point I wish to mention. Very often when Government is urged to take all measures possible for the perfection of our war effort, there is a reservation perhaps in the minds of those urging us that nothing must be done which will interfere with our own comfort. Government has recently decided on my authority to prohibit for instance the transport of race horses on the Railway because Railway transport is required for much more important things. I am afraid that has given a certain amount of dissatisfaction among racegoers. Also reference has been made to the fact that Government has increased the third-class fares on the Nigerian Railway in order to discourage travelling on the Railway. Reference has been made to the discomforts of travelling on the Railway in third-class carriages. I am going to give you my personal experience in England not many months ago. I was travelling on duty with a first-class ticket—and here let me say all first-class tickets are now abolished in England—and I had the pleasure of standing in the corridor of a third-class carriage for three hours because the carriages were crowded. The people in England are suffering far more than we are by the difficulties of travel, and I do appeal to Honourable Members, not only to Honourable Members but to the public generally, not only to exhort Government to do everything possible for the war effort, but to appreciate those efforts without complaint.

I want to thank Honourable Members for the very interesting Budget speeches we have listened to and to assure them Government will give most careful attention to the matters put before them.

The question is that the Resolution before the House be adopted.

Resolution adopted and Bill recommitted to Committee.

In Committee.

Enactment.

The Hon. the Financial Secretary :

Your Excellency, I beg to move the following amendments to the Bill :

(1) *Clause 2.*—By the deletion of the expression “one hundred and three thousand, five hundred and fifty pounds”, and by the substitution therefor of the expression “one hundred and eighty-nine thousand four hundred and eighty pounds”.

(2) *Clause 4.*—By the deletion of the expression “eight hundred and ninety thousand, five hundred pounds”, and the substitution therefor of the expression “nine hundred and seventy-six thousand, four hundred and forty pounds”.

(3) *First Schedule.*—By the deletion of the whole schedule and the substitution therefor of the following :—

FIRST SCHEDULE

	£
1. Public Debt	1,389,000
2. Governor	12,760
3. Accountant-General	44,310
4. Administrator-General	2,870
5. Agriculture	188,550
6. Audit	26,650
7. Aviation	28,150
8. Chemistry	3,010
9. Colliery	166,150
10. Customs and Excise	83,870
11. Education	293,690
12. Forestry	63,730
13. Geological Survey	8,070
14. Inland Revenue	6,450
15. Judicial	60,770
16. Land and Survey	49,840
17. Legal	11,710
18. Legislature	2,160
19. Marine	329,050
20. Medical	443,790
21. Medical—Sleeping Sickness Service	29,740
22. Military and Defence	410,390
23. Mines	10,530
24. Miscellaneous	479,030
25. Pensions and Gratuities	609,420
26. Police	256,380
27. Posts and Telegraphis	247,440
28. Printing—with Central Stationery Depot	34,020
29. Prisons	118,730
30. Provincial Administration	409,110
31. Public Works	201,650
32. Public Works Electricity Branch	140,240
33. Public Works Recurrent	334,140
34. Public Works Extraordinary	40,500
35. Secretariat, Nigerian	35,960

The Honourable G. B. Williams, M.C.,
Commissioner of the Colony (Extraordinary Member).

UNOFFICIALS

The Member for the Ibo Division,
The Honourable B. O.-E. Amobi.
The Member for the Rivers Division,
The Honourable S. B. Rhodes.
The Member for the Oyo Division,
The Honourable N. D. Oyerinde.
The Banking Member,
The Honourable D. D. Gibb.
The Member for the Calabar Division,
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,
Lieut.-Colonel the Honourable H. H. W. Boyes, M.C.
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 Ondo Division,
The Rev. and Honourable Canon M. C. Adeyemi.
The Member for the Cameroons Division,
The Honourable J. Manga Williams.
The Commercial Member for Calabar,
The Honourable W. V. Wootton.
The Commercial Member for Port Harcourt,
The Honourable Fred Edmondson.

ABSENT

OFFICIAL

The Director of Marine,
Captain the Honourable A. V. P. Ivey, C.B.E., R.D.,
R.N.R.
The Senior Resident, Cameroons Province,
The Honourable A. E. F. Murray.
The Senior Resident, Sokoto Province,
Commander the Honourable J. H. Carrow, D.S.C., R.N.
(retired).
The Senior Resident, Owerri Province,
The Honourable F. B. Carr.

The Senior Resident, Adamawa Province,
 Captain the Honourable E. W. Thompstone, 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, Niger Province,
 The Honourable R. D. Ross.

UNOFFICIALS

The Member for the Warri Division,
 The Honourable A. Egbe.
 The Commercial Member for Kano,
 The Honourable W. T. G. Gates.

PRAYERS

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

CONFIRMATION OF MINUTES.

The Minutes of the meeting held on the 24th of March, 1942, having been printed and circulated to the Honourable Members were taken as read and confirmed.

OATHS.

The Honourable C. Watts, Acting Financial Secretary; Dr the Honourable J. W. P. Harkness, C.M.G., O.B.E., Director of Medical Services; the Honourable C. R. Butler, Acting Director of Education; the Honourable Fred Edmondson, Commercial Member for Port Harcourt; the Honourable C. R. Lockhart, C.B.E., Director of Supplies (Extraordinary Member); the Honourable G. L. Howe, Solicitor-General (Extraordinary Member); the Honourable E. C. Crewe, Postmaster-General (Extraordinary Member); the Honourable G. B. Williams, M.C., Commissioner of the Colony (Extraordinary Member), took the Oath as Members of the Council.

PAPERS LAID

The Hon. the Chief Secretary to the Government:

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

Sessional Paper No. 2 of 1942, Report on the Accounts and Finances for the year 1940-41.

Report of the Finance Committee for the period from March, 1942 to August, 1942.

Subsidiary Legislation made since the last meeting of the Council.

QUESTIONS:

NOTE.—Replies to Questions Nos. 19-23 by the Honourable the Member for the Ibo Division, Questions Nos. 25-29 by the Honourable the Member for the Ibibio Division, Nos. 36-38 and 41-44 by the Honourable the Member for the Colony Division, No. 47 by the Honourable the Member for the Ondo Division, Nos. 53, 55 and 58-60 by the Honourable the Member for the Calabar Division, Nos. 66, 68, 70 and 71-73 by the Honourable the Member for the Cameroons Division, Nos. 74-79 by the Honourable the Member for the Egba Division, Nos. 82 and 83 by the Honour-

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

4. (Question No. 63 of the 16th of March, 1942). If the answer to the above is in the negative, to ask further whether the Government would urge the Advisory Committee to amend paragraph 20 sub-paragraph (5) of the Terms of Quota Committee Reference for 1937 and to substitute thereto paragraph 23 sub-paragraphs (1), (2) and (3) of the Terms of Quota Committee Reference for 1934 and thus enable an holder of Admitted Claims to assign less than twenty tons of his admitted claims to the assignor.

Answer—

The Hon. the Chief Secretary to the Government:

For the same reasons as stated in the reply above, there is no indication that assignments of less than twenty tons would increase the total production for the country. The present necessity for maximum production makes it of vital importance that tin mining should be undertaken only by persons with the experience and the capital required for the proper development of a mine.

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

5. (Question No. 64 of the 16th of March, 1942). How many Africans are at present holders of Admitted Claims in the mining industry or in the alternative how many Africans are holding Tin Mining Titles and/or are operating in tin production in their own interest?

Answer—

The Hon. the Chief Secretary to the Government:

One African holds an Admitted Claim.

One African holds a Tin Mining Title.

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

6. (Question No. 65 of the 16th of March, 1942). 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 or Licences are Africans and how many of them are Europeans or European firms?

Answer—

The Hon. the Chief Secretary to the Government:

				Africans	Europeans
1937	...	...	...	5	128
1938	...	...	...	5	98
1939	...	...	...	3	106
1940	...	...	...	14	92
1941	...	...	...	20	100

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

7. (Question No. 66 of the 16th of March, 1942). How many Africans during the last five years have been asked to pay a deposit of £150 as security before the issue of such prospecting right or licence and in how many cases have European firms been asked to make a similar deposit?

Answer—

The Hon. the Chief Secretary to the Government:

No Africans have been asked to pay a deposit, but four at their own request were each allowed to retain a deposit in a Bank instead of executing a bond. No European firm has been asked to make a deposit.

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

8. (*Question No. 67 of the 16th of March, 1942*). In how many cases in the last five years has any depositor of the sum of £150 as holder of prospecting right or licence either forfeited his deposit or such deposit or part thereof been used to satisfy any of the conditions attached to the grant of such a prospecting right or licence?

Answer—

The Hon. the Chief Secretary to the Government:

None.

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

9. (*Question No. 68 of the 16th of March, 1942*). Will the Government now consider the desirability of reducing the deposit of £150 to the sum of £50, the latter sum being the amount up to recent years that had been asked by the Mines Department to be deposited, and so now enable Africans to participate in the industry?

Answer—

The Hon. the Chief Secretary to the Government:

No Sir. The execution of a bond or the making of a deposit is intended to safeguard the African labourer against default in payment of his wages, and the occupier of land against default in payment of compensation for any land mined.

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

10. (*Question No. 69 of the 16th of March, 1942*). To ask whether it should not now be the policy of the Government to encourage Africans to own or hold tin mining titles instead of the old policy of discouraging Africans to own or hold tin mining titles in this country?

Answer—

The Hon. the Chief Secretary to the Government:

No such policy has existed. If by "encouragement" is meant the grant of specially favourable terms Government is not prepared to act as the Honourable Member wishes.

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

11. (*Question No. 70 of the 16th of March, 1942*). In view of the fact also that many African Miners are desirous and anxious to take part in the development of the tin industry especially at this time when larger production of tin is of the utmost national importance to ask whether the Government will authorise the allocation of certain quantity of tin quota to be distributed among the African Miners or Africans who may now apply for prospecting rights or licence.

Answer—

The Hon. the Chief Secretary to the Government:

See replies to Questions 3 and 4.

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

12. (*Question No. 71 of the 16th of March, 1942*). To ask the Honourable the Chief Secretary to the Government—

(a) Whether, in view of the fact that the Military Department has started the recruitment of their own clerks, according to

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

15. (Question No. 80 of the 16th of March, 1942). To ask the Honourable the Director of Education—

(a) Whether it is true that up to 1929 there was a separate Education Ordinance for the Northern Provinces, namely, the Northern Nigeria Education Ordinance.

(b) That in the Northern Nigeria Education Ordinance aforesaid there was no provision for teachers examination.

(c) That formerly teachers in Government Schools in Northern Nigeria were appointed under General Order 183 and were given increments and promotion by the Secretary, Northern Provinces, according to efficiency without regard to Teachers Certificates.

(d) Whether it was true—

(i) That Mr M. E. Nkeaka now at the Government School, Agbor, was appointed a teacher in the Education Department, Northern Provinces, by the Secretary, Northern Provinces, on 13th January, 1921, at the scale of £88 to £128.

(ii) That he the said M. E. Nkeaka reached the maximum of £128 in October, 1925, and has remained on that salary ever since.

(e) Will the Honourable the Director of Education explain why Mr Nkeaka has not crossed the efficiency bar of £128 or been promoted in accordance with the condition of his employment.

Answer—

The Hon. the Director of Education:

(a) There have not always been separate Education Ordinances for the Northern and Southern Provinces. The Education Ordinance of 1916 (No. 50) applied to the whole of Nigeria. The two Education departments of the Northern and Southern Provinces were amalgamated in 1930. It is not the case that up to 1929 there was an Education Ordinance entitled the "Northern Nigeria Education Ordinance." There existed the "Mission Schools (Northern Provinces) Ordinance", and "the Education (Northern Provinces) Ordinance, 1926" which were repealed by the Education (Northern Provinces) Ordinance No. 11 of 1931.

(b) There was no provision in the Education (Northern Provinces) Ordinance of 1931 for teachers' examinations.

(c) Teachers may have been thus appointed, but teaching qualifications were naturally taken into consideration.

(d) (i) Mr Nkeaka was a temporary clerk in the Public Works Department from May 1920 to January 1921. He was appointed Assistant Teacher, Kaduna Government School, on 13th January, 1921, on the £66-6-90 scale, revised in 1922 to £88-8-128.

(ii) Mr Nkeaka reached the maximum of his grade on 31st October, 1924, and has remained on that salary since.

(e) There is no such efficiency bar. Mr Nkeaka's work has not justified his promotion to Grade II.

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

16. (Question No. 85 of the 16th of March, 1942). In view of the present determined efforts of Government to develop local industries, and their drive for "grow-more-food", may I ask if Government will now undertake to finish the construction of the new road known as Ishara-Ibadan Road as this

passes through thick agricultural area, and would also serve as a feeder road to the Railway at Ibadan? If not, why not?

Answer—

The Hon. the Financial Secretary:

No, Sir. It is considered that existing roads provide adequate facilities for the export of foodstuffs from this area and that expenditure of funds and materials on the completion of this road, which would involve the construction of a bridge over the Omi River, estimated before the war to cost £2,200, is not justified in present conditions. Moreover, completion of the road would place a further strain on waterside facilities at Ikorodu which are already overtaxed.

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

17. (*Question No. 86 of the 16th of March, 1942*). (a) In view of the increasingly large consumption by the people of this country of illicit liquor, as evinced by several court prosecutions and subsequent convictions, will Government now reconsider its decision on the increased duty of liquor and reduce same to the pre-war level in order to save the health of the illicit liquor consumers, which must eventually be impaired in course of time?

(b) Is there anything that Government can do to make it absolutely impossible to continue this undesirable illicit distillation, as it does not appear as if Government prosecutions, fines, or imprisonment can extirpate the evil?

Answer—

The Hon. the Chief Secretary to the Government:

(a) Government does not consider that any reduction in duty consonant with our international obligations would prove an effective remedy for illicit distillation.

(b) One possible remedy would be to legalise the local manufacture of spirits under strict control and subject to an excise duty. Such a policy would conflict with our international obligations as they stand at present but the whole question is receiving the attention of the Secretary of State, to whom it has been referred.

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

18. (*Question No. 88 of the 17th of March, 1942*). (a) Arising from the reply to Question No. 49 of the 16th of March, 1942, to ask when the rules referred to were passed and whether they have been published in the Egba Administration Bulletin?

(b) If the answer to the above is in the affirmative, to ask the date of the publication?

Answer—

The Hon. the Financial Secretary:

(a) The rules governing the award of *ex-gratia* gratuities to ex-Native Administration Staff were incorporated in a confidential circular dated the 2nd of July, 1934. These rules were later revised by the terms of a further confidential circular dated the 23rd of December, 1938. Neither circular was published.

(b) Does not, therefore, arise.

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

24. To ask:—

(a) How far has the office of Marketing Officer justified its creation?

(b) What stations in the Eastern Provinces has any officer of that branch visited during the last financial year?

(c) Will the extract of report after such visit be made available for this Honourable House?

Answer—

The Hon. the Chief Secretary to the Government:

(a) It is considered that the post of Marketing Officer has completely justified its creation. The duties attaching to this post are summarised in paragraph 68 of Sessional Paper No. 20 of 1939 "Report of a Committee appointed in Nigeria to examine Recommendations made by the Commission on the Marketing of West African Cocoa".

(b) None. An extensive tour of the Eastern Provinces was however made by the Chief Marketing Officer in April and May, 1942. The Chief Marketing Officer is in constant touch with all parts of the country through the Inspectors of Produce and Agricultural Officers who act as the market intelligence officers.

(c) No, Sir. It is considered that routine reports of this nature are not suitable to be laid before the Council.

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

30. To ask the Honourable the Director of Medical Services what were the findings of Government Analyst *re* Amala poison which made warning against eating that food imperative sometime ago? Is it now safe for the people of the land to continue to eat that commodity in any part of the country?

Answer—

The Hon. the Director of Medical Services:

Following the occurrence of several cases of food poisoning in and about the 3rd February last, the Government Chemist examined 370 samples of yam flour and thirty other assorted samples obtained from a large number of sellers and other sources and he found arsenic only in the yam flour obtained from two market stalls. Foodstuff from three houses where poisoning had occurred contained white arsenic in cases where yam flour had been used in its preparation. So far as could be ascertained by the Government Chemist the poisoned flour had come from one or both of the market stalls referred to above. The contents of these two stalls had been seized. All vendors of cassava and yam flour were instructed at the time by the Medical Officer of Health through his inspectorate to refrain from selling such flour.

About the 24th February the cassava and yam flour vendors were allowed to resume the selling of their stock.

There is no reason at present to believe that it is dangerous to eat food made with yam and cassava flour.

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

31. (a) To ask what is the true status of Oba Falolu in relationship to other Obas meeting for annual conference?

(b) Is he an Oba in the same sense that those Obas are regarded from time immemorial?

(c) Under what classification of Oba is he placed by the Government?

(d) Has he any authority vested in him over Lagos people in general or the aboriginal section in particular?

(e) What is the correct denomination of the stipend given him—“Compassionate Allowance” or “Conditional Allowance”?

(f) Under what Heads of the Estimate does the allowance given him come?

Answer—

The Hon. the Chief Secretary to the Government:

(a), (b), (c) and (d) The status of the Oba Falolu is clearly laid down in the Note by Sir Donald Cameron which was published as Notice No. 801 in Gazette No. 57 of the 4th of October, 1933.

(e) It is a special allowance which is subject to an annual vote in the Legislative Council.

(f) In the current estimates Head XXI—Provincial Administration, item 16, Subsidies to Chiefs.

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

32. (a) How many White Cap and War Chiefs are there in Lagos now?

(b) How many of them are literate?

(c) How many are receiving monthly stipends and how much each?

(d) What are the duties being performed by the Chiefs to help the Government of Lagos?

(e) Will the Government organise them into a civic body to enable them to perform definite work among their people?

Answer—

The Hon. the Chief Secretary to the Government:

(a) Eleven White Cap Chiefs and four War Chiefs.

(b) Two.

(c) Two chiefs receive annual allowances from Government of £60 and £50 respectively.

(d) The chiefs have no specific duties but they are able to use their influence to assist Government to some extent.

(e) The desirability of giving to the Lagos chiefs definite authority has frequently been considered but the conclusion has always been reached that in a cosmopolitan town such as Lagos it is not practicable.

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

33. How are brideprice or “dowry” cases disposed of in Lagos and to whom are they referred? Will Government consider Oba Falolu and his Chiefs competent referees to deal with such and other petty cases of a domestic nature?

Answer—

The Hon. the Chief Secretary to the Government:

In many of these cases both parties come before the District Officer, Colony, and the matter is settled by agreement. In other cases the parties go to one of the chiefs for settlement in the same manner. The remainder go to the Magistrates' Courts. The Honourable Member has no doubt read the correspondence in the Lagos Press on the subject of a Native Court for Lagos and will probably agree that in the face of so much opposition such a court has little prospect of success.

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

34. (a) Who was the originator of "Win the War Fund"—a Government Official, Private Individual or Newspaper Editor?

(b) Is there any organised Committee for the disposal of the Fund?

(c) Why is it that only one local newspaper publishes its receipts?

(d) How was the Fund thus far expended?

Answer—

The Hon. the Chief Secretary to the Government:

(a) In June, 1940, proposals for the opening of a fund for the purchase of specific instruments of war for His Majesty's Government as part of Nigeria's contribution towards winning the war were made in a number of quarters. In response to public feeling the Management of the *Nigerian Daily Times* launched an appeal, supported by His Excellency, in the issue of 15th June, 1940, and thus inaugurated the Nigeria Win The War Fund the proceeds of which are transmitted to the Secretary of State for the Colonies for the purchase of aircraft.

(b) No, Sir.

(c) Contributions are received from every Province in Nigeria and are acknowledged in the *Nigerian Daily Times* whose management inaugurated the Fund and receive subscriptions to it.

(d) See reply to (a). So far, sufficient machines to equip a full Fighter Squadron bearing the name "Nigeria" have been purchased and named after the 23 Provinces and Lagos and Colony.

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

35. (a) To ask if it is a fact that £1,000 was donated by the Carnegie Corporation "to provide a worthy home at Ife" for ancient arts of that cradle of Yoruba people; according to *West Africa Review*, January, 1942, page 30?

(b) In whose possession is the money now?

(c) Is the "home" being built and is Government interesting itself in it?

(d) Is the Oni of Ife aware of the gift and making due preparation to deposit appreciable collection of treasures of his land in that "home" when it comes to existence?

Answer—

The Hon. the Chief Secretary to the Government:

(a) Yes, Sir.

(b) The donation has been received by the Crown Agents for the Colonies and has been credited to Nigeria Funds.

(c) Not yet. It was originally considered that a suitable building, constructed as far as possible in local materials, could be designed within the limit of the grant. After plans had been prepared the Oni and Chiefs of Ife decided that a more permanent structure was preferable even though construction will have to be postponed until the requisite imported materials become available. Government is very interested in the project.

(d) As indicated above the Oni of Ife is aware of the grant. The various works of art which have so far been discovered are in his custody and every care is being taken to preserve them.

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

39. Calling attention of Government to the report in the *Nigerian Daily Times* of May 4th, 1942, about gun shots being found on the person of one Kusimo in a pool in Ikeja District, to ask:—

(a) What were the findings of the Coroner's inquest and the result of the investigation by the Police?

(b) Were the shots from a double-barrel or Dane gun?

(c) Will Government consider the desirability of registration of and issuing of licence to all Dane gun holders in any part of Nigeria?

Answer—

The Hon. the Commissioner of the Colony:

(a) The Coroner found that death was due to gun shot. The investigation by the police is still proceeding.

(b) Medical evidence at the inquest supports the belief that death was caused by shots from a Dane gun.

(c) The Honourable Member will see from the Objects and Reasons which accompany the Bill for a new Arms Ordinance which will come before the Council at this meeting that the committee which examined this question considered that it is unnecessary to exercise any control over flint-lock guns once they have left the public warehouse after importation.

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

40. To ask the Honourable the Director of Medical Services:—

(a) Whether in the interest of the good health of the Army to which he recommended daily ration of palm wine, he would institute inquiry about the collection and preparation of the beverage offered to the public?

(b) Will he organise researches about native herbs and roots that may be of use as substitutes for drugs and other medicines which hospitals and dispensaries are running short of?

(c) Is he prepared to endorse the statement of his Medical Officer of Health about palm oil, beans and other native condiments that they are as rich for nourishment if not better than imported foreign provisions?

(d) If so, will he recommend the lecture given by the Medical Officer of Health on the properties of native ingredients to be published in pamphlet form in Yoruba, Ibo and Hausa languages for wide circulation with recipes for daily menu?

Answer—

The Hon. the Director of Medical Services:

(a) The collection and preparation of palm-wine in the Lagos area has been recently enquired into by the Medical Officer of Health. He has met the trade representatives who have combined to organise supervision and control of their tappers to ensure cleanly methods.

(b) There is no shortage of the essential drugs required by hospitals and dispensaries.

(c) The Honourable Member presumably refers to the lectures given to school children by the Medical Officer of Health of the

Lagos Town Council. It is correct to say that all the foodstuffs necessary for good nutrition are available amongst the country's products.

(d) An abridged version of the lectures referred to at (c) has been published in the daily press. No advantage is expected from printing a Yoruba translation as it can be generally said that those who can read Yoruba can read English. The paper in question is not suitable for the Ibo and Hausa publics whose cooking and diet differ from that of the Yoruba.

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

45. In view of the rapid progress foreboding in Ikeja district to ask:—

(a) If a branch post office will not be established for the convenience of the inhabitants of Ikeja Headquarters?

(b) Why are post offices in Ogbomosho and Shagamu without office attendant or messenger to distribute letters to the public or help keep the places tidy?

Answer—

The Hon. the Chief Secretary to the Government:

(a) The volume of business likely to be done at Ikeja would not at present justify the establishment of a Post Office there. The Postmaster-General would have no objection to opening a Postal Agency at Ikeja if suitable arrangements could be made.

(b) There is not enough work to justify the employment of an attendant or messenger. Delivery of correspondence is not undertaken outside Lagos.

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

46. (a) To ask if it is a fact that from the information received at one time by the Divisional Officer at Ikeja a Hausa man was apprehended for selling War Picture News being freely distributed from the office of the Ministry of Information in Agege public street?

(b) How was the case disposed of?

(c) By whom was it dealt with—Police Magistrate or Departmental Official?

(d) Has the Ministry of Information ever given any individual oral or written permit to sell any of the War News and Pictures emanating from its office?

Answer—

The Hon. the Commissioner of the Colony:

(a) A Hausa in possession of Ministry of Information publications was detained by the police. He was believed to have sold a Ministry of Information publication and the matter was reported to the Information Officer.

(b) and (c) There was no ground for prosecution and therefore no case.

(d) Ministry of Information publications are issued free by the Information Office. There is no objection to their disposal by sale by one member of the public to another, if anyone wishes to acquire a publication by purchase.

The Member for the Ondo Division (The Rev. & Hon. Canon M. C. Adeyemi):

48. (a) Since it is an admitted fact that the health of the people is a great concern of any good government, will the Government say what monetary help is being given to the Missionary Hospitals and dispensaries at Ado Ekiti, Ifaki and Akure?

(b) If no financial assistance is given, will Government consider the desirability of giving it?

Answer—

The Hon. the Director of Medical Services:

(a) The Hospital at Akure is a Government Hospital. Grants are made to the Church Missionary Society for work at Ado Ekiti and to Methodist Missionary Society for work at Ifaki by the Native Administrations.

(b) Does not arise.

The Member for the Ondo Division (The Rev. & Hon. Canon M. C. Adeyemi):

49. (a) Is the Government satisfied with the provision of one doctor for the whole of Ondo Province?

(b) If not, when will more doctors be provided for the Province?

Answer—

The Hon. the Director of Medical Services:

(a) In most areas of Nigeria the provision of doctors is inadequate.

(b) This will depend on the number of graduates of the Nigerian School and the comparative claims of all areas.

The Member for the Ondo Division (The Rev. & Hon. Canon M. C. Adeyemi):

50. To ask the Honourable the Director of Education whether arrangements can be made to pay the quarterly grants to Mission Schools earlier than is done at present?

Answer—

The Hon. the Director of Education:

Arrangements have been made to ensure that the quarterly grants are paid promptly after the close of the quarter to which they relate.

The Member for the Ondo Division (The Rev. & Hon. Canon M. C. Adeyemi):

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

(a) Whether Government is aware of the great expense involved in land disputes between two paramount chiefs in the country?

(b) Has the Government any plan for settling such disputes?

Answer—

The Hon. the Chief Secretary to the Government:

(a) If the Honourable Member will state by name the land dispute or disputes that he has in mind, Government will state the extent of its knowledge of the particulars of such dispute or disputes.

(b) Land disputes vary, and the action that Government is able, and is prepared, to take in settling any one dispute depends entirely

upon the particulars of that dispute. Government has not, and could not have, any general plan for the settling of all land disputes.

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

52. To ask whether Government will publish during the war the cost in the country of origin of the principal commodities imported?

Answer—

The Hon. the Chief Secretary to the Government:

The cost, in the country of origin, of goods imported into Nigeria varies with each consignment and covers a large range of articles, quantities and descriptions: It is not considered that the practical value of the information would justify the staff required to obtain it.

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

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

(a) How many teachers there are in Government Schools who have passed the Teachers' Higher Elementary Certificate Examination but who have not been placed on the certificated grade?

(b) How soon will they be placed on the certificated grade?

Answer—

The Hon. the Director of Education:

(a) One.

(b) Permission has been sought to place him in the certificated grade from the beginning of next financial year.

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

56. Inviting Government's attention to the third editorial in the *West African Pilot* of Friday the 10th of October, 1941, to ask whether one Mr Daizay Otay, to whom reference was made, was an employee of the Marine Department and to ask for a statement of the circumstances leading to his removal from the service?

Answer—

The Hon. the Chief Secretary to the Government:

Mr Daize Otteh (now referred to as Mr Daizay Otay) was employed many years ago as a Waterway Headman. This work is seasonal and his employment was therefore casual. There was no question of his "removal from the service." So far as can be traced from the records of the Marine Department, he has not been employed in the Department since the 26th of March, 1919.

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

57. *Apropos* of an announcement made in the House of Commons by Mr Macmillan, Parliamentary Under Secretary of State for the Colonies, and broadcast on Thursday the 9th of July, 1942, of a scheme for the selection and training of African Cadets for the Administrative Service of the Gold Coast, which scheme was reported to have been put into operation, to ask the Honourable the Chief Secretary to the Government whether the Nigerian Government is aware of this scheme on the Gold Coast, and will adopt a similar scheme for the training and appointment of African Cadets for the Administrative Service in Nigeria?

Answer—

The Hon. the Chief Secretary to the Government:

The attention of the Honourable Member is called to the answer to Question No. 1 asked at the meeting of this Council on the 11th of July, 1938. The Government has already been reviewing the opinions expressed in this answer and proposes to appoint a committee to consider the whole question. As Native Administrations are closely affected they will be directly represented on the committee.

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

61. To ask the Honourable the Chief Secretary to the Government what is Government's decision regarding the payment of a Cost of Living Award to teachers in Non-Government Schools?

Answer—

The Hon. the Chief Secretary to the Government:

The Honourable Member is referred to paragraph (b) of the Motion concerning the Cost of Living Allowance Award standing before the Council in the name of the Honourable the Chief Secretary to the Government.

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

62. In regard to the estate of the late Sir Alfred Jones, to ask the Honourable the Chief Secretary to the Government:—

(a) How has the bequest to Nigeria from the estate of the late Sir Alfred Jones been used to develop technical education of Natives of Nigeria?

(b) What educational institutions in Nigeria have benefited from this bequest and to what extent?

(c) How does the method of spending the Nigerian portion of this bequest differ from the manner in which the other British West African Dependencies spend their own respective portions?

(d) According to the testator's will, what was the intention of the bequest by the late Sir Alfred Jones to British West Africa?

(e) What is the balance of Nigeria's share of this bequest and how is it going to be spent?

Answer—

The Hon. the Chief Secretary to the Government:

(a) Grants have been approved for Government and Non-Government institutions.

(b) The following grants have been approved by the Trustees of the Fund:—

Higher College: " Sir Alfred Jones' Workshop Block "

	£
(1) Construction of Workshop Block and supply of Science equipment and apparatus	6,000
(2) Construction of Physics Laboratory as extension to the Sir Alfred Jones' Block	650
(3) Construction of Engineering Block comprising Drawing Office and Lecture Room	1,850
(4) Apparatus and equipment for Engineering, Workshop and Science departments	1,150
	<hr/>
	£9,650

For equipment and apparatus for secondary schools

	£
Dennis Memorial Grammar School, Onitsha ...	200
Christ The King's, Onitsha	200
C.M.S. Grammar School, Lagos	200
Methodist Boys' High School, Lagos	200
St. Gregory's College, Lagos	200
Igbohi College, Yaba	200
Hope Waddell Institute, Calabar	200
	£1,400

Building Grants for Laboratories for secondary schools

	£
Originally at £300, later increased to £450.	
Igbohi College	450
(Methodist) Uzuakoli College	450
	£900

Kaduna College Science buildings and apparatus £6,000
 Total expenditure approved by the Trustees, but not all expended,
 £17,950.

(c) Information as to how the money from the bequest has been expended in other West African Dependencies is not available.

(d) The late Sir Alfred Jones made no specific bequest to British West Africa. The relevant extract from his Will, dated 8th October, 1904, reads "I declare that my trustees shall stand possessed of the trust funds UPON TRUST for such charitable purposes and objects in England (or any British Possession on the West Coast of Africa) as my trustees may in their absolute discretion think fit." For the guidance of his trustees but without in any way restricting their powers he enumerated certain "charitable purposes or objects" which might be included in any schemes settled by his trustees: these included "The technical education of natives on the West Coast of Africa." In 1932 the existing Trusts under the Will were varied on that some £18,000 of capital, with the interest thereon, were devoted to the above object within Nigeria.

(e) Capital balance: £930 17s 11d.

Income balance: £4,829 12s 1d.

No decision has been taken as to the disposal of the unallocated balance.

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

63. (a) Has the Government of Nigeria formulated a ten-year plan of education for Nigeria, as distinct from any such scheme by voluntary educational agencies?

(b) If so,

(i) How many additional (1) Elementary, (2) Secondary, (3) Vocational and (4) Technical schools are proposed to be opened by Government during that period and in what Provinces?

(ii) What development in higher education and professional training is proposed by Government under this scheme?

- (iii) What programme for the training of teachers for the various types of schools has been drawn up and what scales of salaries and pension scheme have been recommended for the various grades of teachers?
- (iv) What aggregate sum it is proposed to appropriate from (1) the revenue of Nigeria and (2) the Colonial Development Fund for this ten-year scheme of educational development and how has this sum been allocated to the various grades and phases of education?
- (v) What steps have been taken to obtain enlightened African opinion on this ten-year plan before the Government submits it for the approval of the Secretary of State for the Colonies?
- (vi) What increase in the number of Education Officers and Supervisors, European and African, is contemplated under this ten-year scheme?
- (vii) Have the Native Administrations been requested by Government to formulate their own ten-year educational programme?

Answer—

The Hon. the Chief Secretary to the Government:

(a) A ten-year plan has been drawn up by the Director of Education assisted by a Sub-Committee of the Board of Education and was discussed at the last meeting of the Board. This plan is now being considered by Government. It provides for:—

- (1) Government:—additional Secondary Schools and Colleges, a Domestic Science College for girls, expansion of training facilities for teachers and development of technical education.
- (2) Increased grants to non-Government educational bodies and institutions, which qualify for assistance from Government, to provide for additional elementary schools, secondary schools and training institutions for teachers.
- (3) Financial assistance to Native Administrations to enable them to expand their schools and pay improved salaries to their teachers.
- (4) A provident fund and improved salary scales for Native Administrations and certificated teachers employed by non-Government educational bodies and institutions, which qualify for assistance from Government.

(b) Replies to (i), (iii), (iv) and (vi) cannot be given until the plan has been finally considered by Government and the Secretary of State.

- (ii) Provision for the development of higher education or professional training is not included in this plan. The policy to be adopted with regard to the development of higher education and professional training in West Africa as a whole awaits the appointment of a special Commission which has been recommended to the Secretary of State by the West African Governors' Conference to examine the details of a co-ordinated scheme.
- (v) Three Africans—Dr H. Carr, Bishop Lakeru and Mr Esua—were members of the Special Committee of the Board of Education appointed to formulate the proposals.

(vii) No, Sir. The Native Administrations will be able to consider a development programme when the amount of financial assistance which can be given to them has been decided.

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

64. Inviting Government's attention to the various resolutions passed by the Conference of the West African Student's Union which met in London on the 29th and 30th of August, 1941, and published in the *Daily Service* of October 29th, 30th and 31st, 1941, to ask what consideration has Government given to the various resolutions relating to each of the following topics *viz.*:

- (i) Parliamentary Democratic Institutions,
- (ii) Indirect Rule,
- (iii) Education,
- (iv) Social Problems,
- (v) Economic Problems and
- (vi) Land Problems?

Answer—

The Hon. the Chief Secretary to the Government:

The topics referred to are receiving the constant consideration of this Government.

65. Inviting Government's attention to "The Methodist Message to Nigeria for 1942", which was published in the *West African Pilot* of January 16th, 17th and 19th, 1942, especially to paragraphs IX, X, XI, XII, XIII and XIV, dealing respectively with the need for extension of Medical facilities, Agriculture, Rural reconstruction, Local Industries, Labour Policy and Education, to ask what consideration has Government given to those topics in so far as they relate to Government responsibility?

Answer—

The Hon. the Chief Secretary to the Government:

The topics referred to are receiving the constant consideration of this Government.

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

67. To ask the Honourable the Director of Medical Services to state the number of natives of the Cameroons employed in his Department as Dispensers, Sanitary Inspectors, Nurses, Midwives, Clerks and Vaccinators.

Answer—

The Hon. the Director of Medical Services:

The following are the number of natives of the Cameroons employed in the occupations mentioned:—

(1) Dispensers	...	...	...	...	Nil
(2) Sanitary Inspectors	...	...	...	...	Nil
(3) Nurses	...	...	...	...	8
(4) Midwives	...	...	...	...	1
(5) Clerks	...	...	...	...	Nil
(6) Vaccinators	...	...	...	...	1.

There is also an undergraduate in the Nigerian Medical School.

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

69. To ask His Honour the Chief Commissioner, Eastern Provinces, when the report of the Carr Committee on the condition of service of Native Administration officials will be published?

Answer—

The Hon. the Chief Secretary to the Government:

The report is under consideration by Government and until final conclusions have been reached on the recommendations of the Committee no decision will be taken as to the publication of the report.

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

80. To ask the Honourable the Director of Education whether Government is considering a special grant to the Missionaries to enable them to award war bonus to Mission Teachers?

Answer—

The Hon. the Chief Secretary to the Government:

Yes, Sir. See reply to Question No. 61.

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

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

(a) Whether the cost of living in the townships of Onitsha, Owerri and the Cameroons Provinces has skyrocketed as in Lagos, if not higher?

(b) If Nigerian Government considers it equitable to award bonus, why it is not paid at flat rate?

Answer—

The Hon. the Chief Secretary to the Government:

(a) No, Sir. There is no evidence that the cost of living in the townships mentioned has risen as much, or as fast, as in Lagos.

(b) The Honourable Member is referred to the following extracts from His Excellency's Broadcast of the 24th of July:—

"I have already said that the object of the Cost of Living Allowance is not to put all Government servants in the position that they were in before the war. Its object is to ensure as far as possible a just distribution of the burden: not, of course, a mathematically equal distribution, but a distribution based upon capacity. The Cost of Living allowance now being granted follows very closely the line followed in England and the other West African Colonies. That is to say, it reduces the sacrifice of those at the lowest end of the scale to the minimum, leaving a greater proportionate burden to be borne by the higher ranks. You will notice that in the case of those at the lower end of the scale the bonus is actually higher than the calculated increase in the cost of living. The reason for this is that the committee felt that in present circumstances there is a minimum below which no-one can be expected to maintain themselves properly, and I have accepted their recommendation in this particular.

I have so far been dealing with Lagos only. Precisely the same principle has been applied to the Provinces. They have been divided into three classes—those in which the increase in the cost of living is deemed to be the same as in Lagos, namely 50 per cent; those in which it is 40 per cent; and those in which it is 25 per cent, and the allowances have been calculated accordingly. There is only one set of localities in which the principle of affording a higher percentage allowance at the bottom of the scale has not been followed. In the Cameroons and in the Onitsha and Ogoja Provinces (except in certain towns in these districts) experience has

shown that the very considerable increase in the basic wage which was granted on October 1st last was unduly high, and therefore in these places the full Cost of Living allowance has not been granted at the bottom end of the scale."

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

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

(a) Is it a fact that a Government teacher who suffered destruction of his personal property as a result of a fire which broke out on the 4th of January, 1939, in Quarters 26B East and West in Kaduna was refused compensation in respect of the loss?

(b) Is it also a fact that a Nursing Sister who suffered loss of her personal effects by fire at Zaria recently was paid compensation in respect thereof?

(c) If the answers to (a) and (b) are in the affirmative what is the reason for the differential treatment meted out in these cases?

Answer—

The Hon. the Chief Secretary to the Government:

(a) and (b) Yes, Sir.

(c) Government has in general always disclaimed liability for the loss through fire or other causes of the personal effects of its officers in Government quarters. Compensation was paid to the Nursing Sister referred to on the ground that the fire was caused as the result of the action of employees of the Public Works Department while attempting to smoke out bees from the roof of the quarters.

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

92. (a) To ask whether figures could be given of the total tonnage of Cocoa purchased in the last Light Crop season and destroyed?

(b) What was the total expenditure including (i) amount paid to the producer, (ii) amount paid out in the way of commission to agents, and (iii) what it cost to destroy the Cocoa?

Answer—

The Hon. the Chief Secretary to the Government:

(a) Destruction of Light Crop Cocoa is not yet complete but the following figures are available:—

Total purchased up to 20.8.42	7,433 tons.
Total destroyed up to 20.8.42	6,710 ..

(b) (i) £34,377 12s 6d.
(ii) £1,858 5s 0d.
(iii) £346 14s 0d.

ADDRESS BY HIS EXCELLENCY THE GOVERNOR.

HONOURABLE MEMBERS

Although this is not the first meeting of a new Session I am addressing you formally because the circumstances in which I have called this special meeting of the Council are somewhat exceptional. They are exceptional not only in that the Government is presenting the Council with a bill for very nearly a million and a quarter pounds, but because it has been necessary, somewhat unconstitutionally, for the Government to give a pledge to pay this bill without previously consulting you. You are now asked to

confirm that pledge and to advise the Government on the measures which it proposes to take in order that it may be in a position, financially, to fulfil it; if you consider that that pledge should not have been given, and that the bill must be reduced, it is of course your duty to say so

In order to facilitate the proper consideration of the somewhat complicated questions involved, it is proposed that the Resolutions dealing with the Cost of Living Allowance and with the taxation measures should be referred to the Finance Committee before they are put to the vote. You will therefore have a full opportunity of considering the questions in their relation to each other.

This bill, involving nearly a million and a quarter pounds, is, as you are aware, on account of a Cost of Living Allowance which the Government has approved for Government servants and certain other employees. You have before you the Report of the Lagos Cost of Living Committee on which the whole allowance is based. It is a very good Report, giving evidence of much careful thought and of an honest endeavour to reach a just conclusion. It was a unanimous Report and the Government was obviously bound to accept it. Apart from this obligation, the measures proposed appeared to Government to be reasonable, although they were altered in two minor respects which will be explained to you by the Honourable the Chief Secretary. There is only one thing in connection with this large expenditure about which I must confess that I have felt some doubts, and that is the payment of arrears of Cost of Living Allowance with retrospective effect from so distant a date as October 1st, 1941. When I decided to appoint the committee to enquire into the cost of living I was already convinced that some allowance was necessary at the time and it would therefore not have been fair for the allowance only to take effect from the future date on which the committee might make its report. Some measures of retrospective effect would obviously be necessary. I think now that it would have been wiser had I left it to the committee to recommend from what date retrospective payment should be made and whether such payment should be at full rates or not. I am not denying that on October 1st, 1941, some allowance was justifiable, but it is an unquestionable fact that many, if not the majority, of those who have received arrear payments have received a good deal more than was necessary in order to enable them to discharge past commitments and that some of the money so received has been spent extravagantly. However the pledge was given and had to be fulfilled. You are of course at liberty to criticise it and if you consider it should not have been given, or, having been given, should not have been fulfilled, to make suggestions accordingly.

And now to turn to the details of the bill. The cost for a full year, excluding the Railway, which is in a position to pay its own commitments, is £817,000. £485,000 of this goes to Government servants, including the employees in 2nd class

townships. £237,000 is the estimated maximum that would be required if Native Administrations were to pay the full allowance to all their employees and were to be reimbursed by the Government for that payment. The Government is prepared to make this reimbursement should this Council approve. £15,000 represents a grant to the Lagos Town Council, who are expected to find another £12,000 out of their own resources. This figure, as I have said, represents the Cost of Living Allowance for a full year and is therefore the sum which will have to be found for payments in respect of the present financial year. As regards last financial year, the amount to be found is £361,000, plus a possible further debit of £200,000, the nature of which will be explained to you by the Chief Secretary. This £361,000 is made up of six months' allowance, namely, from October 1st, 1941, to Government servants and the same to Native Administration employees. I feel that the latter must be considered to have been included in the pledge given to Government servants. The Lagos Town Council has also decided to pay the allowance with effect from October 1st, 1941, but is paying this amount from its own reserves. As regards the Mission teachers, no allowance has been made in respect of arrears for the last financial year: retrospective payment has been allowed for from April 1st, 1942, only. The reason for this is that no pledge to these teachers was ever given or implied, and Government is treating the Missions generously in giving the Cost of Living Allowance to uncertificated as well as certificated teachers and to those in non-assisted Mission schools as well as in assisted schools. There is of course no actual obligation on the Government to be as generous as this, but these teachers are poorly paid and are doing work of national importance, and it is felt that a moral obligation exists.

And now let us consider how this bill is to be met. As regards the arrear payments in respect of the last financial year, the problem is an easy one. When Sir Alan Burns gave his address at the Budget meeting this year he foreshadowed a surplus balance on last year's working of only £7,000. This was increased during the consideration of the estimates to £287,000 which is the amount appearing in the printed estimates. It has since been increased to no less than £916,000, this large increase being partly due to savings, but very largely to exceptionally heavy customs receipts during the last few months of the year. In this connection I would remind Honourable Members that at the Budget meeting in March, 1941, the then Commercial Member for Lagos made a vigorous attack upon the Government's estimates of receipts from import duties, which were consequently reduced in Finance Committee. Far from being excessive those original estimates have been proved to be much too low. This excess on last year's working of £916,000 will make it possible for us to make two very necessary payments which had been suspended—£260,000 to the Supplementary Sinking Fund, £60,000 to the Marine Renewals

Fund—and to restore to our special Statutory Reserve the £100,000 which we took from that reserve to give to His Majesty's Government for the prosecution of the war. And we shall still have enough left to pay Cost of Living Allowance arrears for last year and to leave a surplus of £135,000, unless the additional debit of £200,000 to which I have referred eventuates. Some Honourable Members may think that with times as hard as they are we should not make these heavy payments to our Reserve Funds, but I venture to differ. These payments should only be left in abeyance in exceptional circumstances. They were left in abeyance during the 1930-32 slump, with the result that when in 1936 and 1937 we found ourselves with handsome surplus balance, instead of being able to spend them on development, we had to devote them almost entirely to making up the gaps in our Reserve Funds. We do not want that to happen again.

And now to turn to the way in which the bill for £817,000 for 1942-43 is to be met. The Estimates as approved by you in March allow for a deficit of £31,000. It has since been possible, in view of experience to date this year, to add considerably to our estimate of revenue. The following estimates have been increased: Import duties by £550,000, Export duties by £80,000, Marine and Harbour revenue by £36,000 and Posts and Telegraphs by the same amount, giving a total of £702,000. I am quite convinced that this increased estimate is on the safe side. If we add to this amount £40,000 for certain anticipated savings and deduct £193,000 for supplementary expenditure which has been approved, or is envisaged, the net result is an anticipated surplus on the year's working of £518,000. The Cost of Living Allowance bill amounting to £817,000, approximately £300,000 remains to be raised if we are to balance our Budget for the present year.

Before I go on to suggest how this amount should be raised I should like you to consider very carefully what this money is wanted for. It is not for the development of this country, nor for the general improvement of the standard of living of its inhabitants. It is a purely temporary measure designed to alleviate certain hardships caused by conditions due to the war to a section only of the inhabitants of this country. This should be borne in mind very carefully. And I should like here to examine briefly a number of suggestions which have been made in a Lagos paper. I have no doubt that those suggestions have been read by most, if not all, of the members of this Council, and I should like to examine some of them. With a few exceptions they fall into four classes: it is suggested that the money should be provided either by the British taxpayer, the British merchant, the British civil servant or the Native Administrations. I will take these suggestions in the reverse order.

As regards Native Administrations, the suggestion is that Native Administration reserves should be appropriated by the Government and "used for the good of the country." To begin

with I would point out that the object of this expenditure is not, strictly speaking, "for the good of the country"; it is, as I have said, merely to alleviate a temporary hardship caused to certain members of the community. It is to my mind entirely inappropriate that Native Administration reserves should be used for this purpose. Native Administrations themselves were quite willing that these reserves should be used by the Government to avoid a deficit in its accounts and any consequent general reduction in services that might be necessary. But these reserves have been accumulated for developmental purposes and ought, if possible, so to be used. That they should be diverted for the payment of Cost of Living Allowance to persons not employed by Native Administrations themselves is to my mind quite unthinkable. Whether they should be used for the payment of any part of the Cost of Living Allowance due to Native Administration employees is a question which you may wish to raise in Finance Committee and if so the Chief Commissioners are here to give their views.

And now to turn to the idea that the British civil servant in Nigeria should pay for the Cost of Living Allowance that is being given to African Government servants and employees. I do not propose to examine all the suggestions in detail; I will merely say that as regards the considerable number of miscellaneous allowances which have been mentioned these have been all very carefully considered several times during recent years, and I can see no good grounds for reconsidering them again. As regards the proposal that the British Government servants should pay rent for their houses, there appears to be some misunderstanding. The newspaper which makes the suggestion says "Surely the personal emoluments of the European civil servants in Nigeria compare favourably with those of other tropical countries of the world." The fact is that in India, Ceylon and Malaya, where free housing is not provided, the emoluments of European civil servants are very considerably higher than in Nigeria. It is further suggested that seniority, duty and staff allowances should be abolished. This has already been done some years ago, and these allowances are only being drawn by officials recruited before they were abolished and who have not elected to come under the revised terms of service. I should like to make it quite clear, without going into any further detail, that I am not prepared to consider *any* suggestion for mulcting the European civil servant in order to pay a Cost of Living Allowance to his African colleague. The former is already suffering very heavily from the war. They are paying a high rate of income tax in Nigeria. Those of them who pay income tax at home are paying it at exceedingly high rates; they are all feeling the increased cost of living out here, and most of them I should imagine are already paying considerably higher wages to their servants as a result of the introduction of the Cost of Living Allowance. Many of them are unavoidably separated from their wives and all of them are doing

longer tours, with extra work. I do not mean to imply that the war is not causing an extra burden of work on many African civil servants. It is. But the very large percentage of European civil servants that have taken up military duties means an exceptionally heavy increase in the hours of work that have to be done by those who, very often against their will, have been left behind. The European civil servant is having a pretty hard time of it, and I am very sorry that these suggestions should have been made.

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 strongest 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. Any addition to export duties would therefore fall not on them but either on the producer or on the British taxpayer. It is suggested that the rate of income tax paid by them should be raised. They are at the present moment paying 10s 6d in the pound, the full British rate, half of which goes into the Nigerian Treasury. If the Nigerian rate were raised they would not obtain any further relief from British income tax and therefore would be paying total income tax higher than the British maximum rate. As regards excess profits, they are paying 100 per cent tax on these. The suggestion is that the British merchants are making excessive profits out of Nigeria during the war. They are not; they could not possibly do so in present circumstances, even if they wished to.

And now let me come to the suggestion that the money should be found by the British taxpayer. I take it that that is what is really meant when it is suggested that we should declare a moratorium on our public debt and appropriate to our own use the Statutory and Supplementary Sinking Fund, since it is suggested that after the war the burden of these obligations should be assumed by the Colonial Development and Welfare Fund. Now I will do the the author of these suggestions the credit of believing that he never really meant his idea of a moratorium to be taken seriously. It is of course a fantastic and, indeed, a disgraceful suggestion. That Nigeria should, to meet a purely temporary difficulty, actually go so far as to repudiate its debts, is of course quite unthinkable. But the suggestion (and that I think is what it really meant) that the British Exchequer, in other words the British taxpayer, should relieve Nigeria of part of its load of public debt, is a serious suggestion which merits examination. It is in fact a suggestion which I myself have discussed with the Colonial Office both in writing and orally. To relieve Nigeria of a portion of its loan obligations would be one way, and, from our

point of view, an exceedingly satisfactory one, of giving us further money for the development of the country and for raising the standard of living of its inhabitants. But I have been definitely told, and I must say I think quite rightly, that the Colonial Development and Welfare Fund was not intended to be used in that way, but for specific schemes of development. I have been told that if Nigeria were to be given relief from its loan obligations it could only be done by way of a grant-in-aid. And I think you will all agree with me that the Colonial Office would be quite right in refusing to consider any application for such a grant-in-aid during the war.

I can say without any fear of contradiction that there is no Governor now in service who has done more than I have to urge upon the British Government the necessity for giving really liberal financial assistance towards the development of the poorer colonies. I have every reason to suppose that a despatch which I wrote on this subject early in 1939 was of considerable assistance to the Colonial Office when they were framing their proposals for the new Colonial Development and Welfare Act. But, as I have already said, we are not now considering a proposal for expenditure upon the development of this country. What we are considering is how to provide funds for a short-term war-time need. I feel certain that every Honourable Member of this Council will agree with me that any suggestion that the British taxpayer should be asked to find this money would be altogether unworthy of us. He is suffering far greater hardships than anybody in this country. I have often said that Nigeria is a poor country, but let us not attempt to delude ourselves (for we shall certainly not delude anybody else) into thinking that Nigerians as a whole are being badly hit by the war. Precisely the reverse is the case. At the present rate of export, and at present prices, there is little doubt that during this financial year Nigerian producers will receive as much cash for their produce as they have received in any year since 1930, with the sole exception of 1937. In addition to this there is a really vast amount of money coming into this country for military expenditure, the great majority of which is going into the hands of Nigerians. The amount of currency in circulation at the moment in Nigeria is so great that the currency position is causing the Government serious anxiety. Such rise as there has been in prices does not nearly offset the extra amount of money which is coming into the hands of Nigerians. The fact that certain people have suffered as a result of the war has of course been recognised by the decision to grant a Cost of Living Allowance. But the fact that those who have so suffered are by far the most vocal section of the community must not blind us to the fact that they are a comparatively small section of it, and that the large majority of the inhabitants of Nigeria are definitely better off now than they were before the war. In these circumstances I am convinced that insofar as the bill which the Government is presenting to you

today cannot with prudence be met from the funds now at our disposal, such extra funds as may be necessary can with propriety and without hardship be demanded from the Nigerian taxpayer. I do not propose to enter into the details of the measures that will be laid before you, measures which under the new procedure approved by yourselves have already been put into force by the Government and now await your approval or otherwise, but I think you will agree, when you examine them, that they have been so devised as to cause no hardship to any section of the community, but to take money only from those who can afford to pay it.

There is just one other matter I should like to mention before I sit down. I know that some members of this Council have been a little perturbed at the expenditure which was being incurred by this Government in connection with the permanent staff of the West African Governor's Conference Secretariat. That expenditure is now being taken over by the Resident Minister, and although it will continue to appear in our Estimates we shall be reimbursed by the British Government.

MOTIONS.

The Hon. the Chief Secretary to the Government :

Your Excellency, I beg to move the motion standing in my name, namely:—

“ Be it resolved: That this Council approves:—

- “ (a) the rates of Cost of Living Allowances for
 “ Government employees and employees of 2nd
 “ class townships as set out in the Government
 “ *Gazette Extraordinary* No. 44 of 25th July,
 “ 1942, and estimated to cost £485,000 per annum,
 “ with effect from 1st October, 1941;
- “ (b) 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 April,
 “ 1942;
- “ (c) assistance to the Native Administrations to enable
 “ them to pay Cost of Living Allowances not
 “ exceeding the rates laid down in the *Gazette*
 “ *Extraordinary* No. 44 of 25th July, 1942, and

“ estimated to cost not more than £237,000 per
“ annum, with effect from the 1st of October, 1941;
“ (d) a grant to the Lagos Town Council of £15,000
“ to assist the Council in payment of Cost of
“ Living Allowances to its employees in respect of
“ the financial year, 1942-43.”

This motion has four paragraphs, all dealing with Cost of Living Allowances, which has been abbreviated into the well-known word “COLA”. I shall deal with those four paragraphs one by one, but before I do so I think it would assist Honourable Members if I were to give a brief resumé of the history of Cost of Living Allowances.

Honourable Members will recollect that last November there was appointed in Lagos a Cost of Living Committee, and at the same time there were appointed in the Provinces provincial wages committees. The Lagos Committee took longer to report than was anticipated, but Your Excellency has already this morning given reasons why it was decided in November, 1941, to give a pledge that any allowances based on the recommendations in the report of the committee should go back to the 1st October, 1941. I am quite sure, Sir, that every Honourable Member will agree that when a pledge is given by Government that pledge must be honoured.

Your Excellency has already expressed appreciation of the work done by the Lagos Cost of Living Committee. It is the first time I believe that the cost of living has been scientifically examined by any committee in Nigeria, therefore the work of this committee is of great importance because it will form the basis of any future examinations that may be carried out in different parts of the country. I do not propose to go into the details of the report of that committee because Honourable Members have had in their hands for some time copies of the Report. They have also had the advantage of listening to, or of reading, Your Excellency's broadcast address on the 24th of July last and this morning of hearing further elucidations on the report of the committee and their recommendations. That Report dealt mainly with cost of living and allowances to meet the rise in the cost of living. The committee did make a number of other recommendations but I do not propose to discuss or to deal with those this morning, except to say that they are receiving the earnest consideration of Government. On receipt of the committee's report it was referred to the Trades Unions in Lagos. As Your Excellency explained in your broadcast on the 24th of July, some of the comments of the Trades Unions were quite fantastic, but they did make one or two useful suggestions, and this morning, Sir, you referred to two exceptions that Government had made in accepting all the other recommendations of the committee. The first of those exceptions deals with the differentiation that was made by the committee between labour and non-labour in the group earning between 1s 5d and 3s 1d a day, *i.e.*, their old earnings in October 1941. The committee

recommended that higher allowances should be given to non-labour than to labour. Government was unable to accept that; it was of opinion that both should be treated alike and that the higher rate should be applied to both. The second exception was that the committee recommended that daily paid employees drawing 1s, 1s 1d, 1s 2d, 1s 3d and 1s 4d should *all* get a Cost of Living Allowance that would bring their total earnings to 2s per diem, thus abolishing the distinction between the 1s, 1s 1d, 1s 2d, 1s 3d and the 1s 4d man, overlooking the fact that the man who had risen from 1s to 1s 3d or 1s 4d had probably earned that by good service over a period of years. Government therefore decided that they would maintain this differentiation between the 1s and 1s 4d man by granting them all a COLA of 1s. Thus the 1s man would get 2s, the 1s 1d man would get 2s 1d, the 1s 2d man would get 2s 2d, the 1s 3d man 2s 3d and the 1s 4d man 2s 4d.

Now so far, Sir, I have been dealing largely with Lagos and the Report of the Lagos Committee, but Reports were also received from the Provincial Wages Committees. Nigeria Sir, as we know, is a very vast country, with considerable difference in the peoples of the various parts. They vary in language and they vary to some extent in the foods that they eat. Therefore the rise in the cost of living is not, and it would be surprising if it were, the same throughout the whole country. In that it differs from a country like England. England of course is very much smaller than Nigeria, but it has a much more homogeneous people. A man of a certain class in the south of England eats the same food, wears the same clothes, and does the same things pretty well as the man in the north of England or any other part of England, class for class. There are differences of course in rent, but rent is one of the smallest components in the cost of living. The Lagos Committee found in their report that for Lagos it composed only 7.84 per cent of the cost of living. But to come back to Nigeria, as a result of this considerable variation in the cost of living in various parts of the country it was necessary for Government to try to devise some scheme, some framework, into which could be fitted these different parts of the country. The result of those deliberations will be found, Sir, in the First Schedule of the Cost of Living Allowance award which was published in the Government *Gazette Extraordinary* of the 25th of July last. That, I am certain, Sir, has been studied carefully by all Honourable Members, but I should just like to deal with it very briefly. There are four Grade A's, Grade A, Grade A1, Grade A2, and Grade A3. Now these four Grade 'A's all have this in common, that for the employees drawing up to £48 per annum the general COLA is to be fifty per cent, but in the case of the 'A's—the plain 'A's—the minimum COLA is to be 1s per diem, Grade A1 the minimum COLA will be 9d, Grade A2 the minimum COLA will be 6d, Grade A3 the minimum COLA will be 5d. In Grade 'B'—there is only one Grade B—the COLA is forty per cent, with a minimum of 4d.

In Grade 'C' the COLA is twenty-five per cent, with a minimum of 2d, and Grade C1 twenty-five per cent COLA above 1s 6d per diem.

Now it was stated Sir in that Cost of Living Allowances Award that the Provincial Committees would be empowered to consider and recommend alterations from time to time of the grading within their provincial areas, therefore the allocation of provinces, parts of provinces or towns into these various grades is not fixed and rigid. But nevertheless it is not proposed that they should be lightly altered: that grading was only done after a considerable amount of thought and care based on the recommendations of the provincial committees and of the Chief Commissioners.

I feel sure, Sir, that Honourable Members will agree that, so far as Government employees are concerned,—and that at the moment is the point I am dealing with—these allowances are generous and fair. As Your Excellency stated this morning, these allowances are temporary; they are based on a temporary state of affairs, and when that state of affairs is at an end the allowances will cease. It is possible that there will be alterations in the cost of living; there may be rises, there may be falls. It will therefore be necessary probably to alter these allowances from time to time. But it is not proposed to alter them merely on a slight alteration in the cost of living, either upward or downward: the difference of one point would not result in any alteration of these allowances.

The annual estimated cost of the first part of this motion is £485,000 per annum. As to how the bill shall be met, and the bill for (b) (c) and (d) of the motion, Your Excellency has already dealt with that and I shall touch on it very briefly, towards the end of my remarks.

I come now, Sir, to (b)—teachers. That has been dealt with very fully by Your Excellency and there is very little for me to say. I would just like to read in full this paragraph of the resolution—

“(b) 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 April, 1942.”

I would also like to refer to the probationary teachers. It is not proposed to grant them such a high rate of COLA, because they are

rather in the position of learners who are learning to earn their way in life later on. The Bill is very considerable—£80,000 per annum—bearing in mind the fact that Government at no time gave an undertaking that it would pay COLA to these teachers.

I pass now, Sir, to paragraph (c)—the Native Administrations. In paragraph 6 of the Award published in the Gazette of 25th July it was stated that Chief Commissioners were authorised to approve the award of COLA not exceeding the rates set out in Schedule 1, subject to such modifications as might be required by local conditions. The Government does not yet know what rates all the Native Administrations will decide to pay with the authority of the Chief Commissioners. Some we know, but the great majority we do not yet know. The only thing we do know is that it is proposed that they should be made retrospective to 1st October last in the exactly the same way as Government employees.

Now the amount that is inserted here—£237,000 per annum—is the maximum liability. That is based on the assumption that all Native Administrations will pay the full Government rates and that Government will pay the whole Bill for them, but they are only put down to set out the maximum liability of Government. As I have already stated, we do not yet know what actual rates are going to be paid by the Native Administrations. I have no doubt that some or many of them will be below the Government rates, but it was necessary, for the purposes of this Resolution, to set out what the maximum liability of Government would be.

As to the reason why Government should consider giving them any assistance at all, Your Excellency has explained that, and they also do not have elastic or expanding means of raising revenue.

There is one other aspect of this matter to which I should like to refer in connection with Native Administrations, and that is the revision of salaries. Now the difference between revision of salaries and COLA is that the revision of salaries is permanent; COLA is temporary. Regarding the revision of salaries, there have been two committees in the Eastern and Western Provinces, and the matter has also been examined and recommendations made in respect of the Northern Provinces. Those recommendations and reports are receiving the consideration of Government now, but it is a matter that requires very careful thought because of the various implications and re-actions. So I cannot at the moment hold out any prospect that by the end of this month Government will publish its decision in the matter of the revision of salaries. But the COLA does not affect the revision of salaries. I know it has been feared that COLA was going to be used as an excuse for fobbing off or putting aside the revision of salaries; that is not the case whatsoever. The revision of salaries will be dealt with as soon as possible.

I come now, Sir, to the final paragraph, paragraph (d)—the Lagos Town Council. Here I would like to begin by a comparison between the Lagos Town Council and the Native Administrations, and the comparison is this. I have already referred to the inelastic sources of revenue of Native Administrations. In the case of Lagos Town Council we have the richest city in the whole country, which has sources of revenue which it can easily tap and expand. Native Administrations are not in that happy position. But now, supposing the Council were treated in the same way as a Native Administration, they would then expect to receive fifty per cent of the tax paid by Africans. Tax paid by Africans is about £16,000 per annum, therefore, to treat the Council in the same way as Native Administrations, they could expect to receive or to get £8,000 per annum. But what do they actually get? They get £13,500 per annum from Government for maintenance of roads, which Native Administrations do not get, and, in addition, they get a grant-in-aid of £7,000 per annum. They are therefore already very favourably treated by Government. That I think should be borne in mind when considering them and the Native Administrations. The Town Council has proposed, quite rightly in my opinion, to pay the same rates of COLA as Government; that will cost them £26,000 per annum. They have also decided that arrears should be paid from the 1st October last in the same way as Government employees. The arrears will amount to about £11,000. As Your Excellency has stated, those arrears will probably have to be met out of the surplus of the Council. For this year Government is recommending to the Council—this is the gist of this part of my resolution—that a grant should be made of £15,000, which will mean that the Council itself will have to raise another £11,000 by an increase in rates. It is proposed that this grant of £15,000 should be for this financial year, 1942-43 only, and that next year the Council should itself bear the whole burden, which would mean a further increase in rates. Now it has been suggested, or I have heard it said, that any increase in rates would be the ruination of the ratepayers, etc, etc, etc. Let us examine that a little bit more closely. The average man paying a rate of 1s 8d in the pound will be paying 0.53% of his income, therefore a 1s 8d rate will amount to about £1 out of £200. So to say that any increase in rates in Lagos is going to be the ruination of the ratepayers does not strike me as very sound.

I am now, Sir, in a position briefly to recapitulate and summarise the various paragraphs of my resolution. The arrears will amount to £361,000, that is £242,500 for Government employees and £118,500 for Native Administrations, with the possibility of a further liability of £200,000, which Your Excellency referred to in your address this morning and left it to me to explain. That is in connection with work that has been done by this Government for the armed forces of the Crown. As

Honourable Members know, there has been a great deal of construction work done by the Public Works Department for the Army and for the Air Force. Now that work is done by the Public Works and then we are reimbursed the cost. It would therefore seem right, since we have to pay the workers who did the work, although we were acting as agents for the armed forces of the Crown, that they should reimburse us the arrears of COLA from the 1st October last to the end of March. That is one side of the picture; but the other side is that we agreed to do this work for the Army at a certain fixed figure, and that therefore action on our part which subsequently sent up the cost should be borne by us. It is a matter that has been referred to London for discussion between the Colonial Office and the Service Departments concerned. There is therefore the possibility that it may be ruled that this bill must be borne by this Government. It is a possibility; that is why we must bear in mind this further £200,000. It does not of course refer from the 1st April, from this financial year, because the cost of COLA for Army work will be borne by them.

The total annual cost of COLA is estimated at £817,000—£485,000 for Government employees, £80,000 for teachers, £237,000 for Native Administrations and a £15,000 grant this year for the Lagos Town Council. That amounts to £1,178,000. Now how is that going to be met? As Your Excellency has explained this morning, it is not necessary to meet all this bill by increased taxation, but there must be some taxation if we are to keep our finances in a sound position. The measures of taxation have been so devised that they will not cause any hardship. I do not propose to go into details of them, I shall leave that to my honourable friend the Comptroller of Customs and Excise when he is dealing with the two resolutions standing in his name. Cigarettes and tobacco are luxuries which can well afford increased taxes. In the case of cotton piece goods, the new rates will fall chiefly on the more expensive lines. That too, I think, can be borne. Your Excellency also indicated that there was a danger of inflation, therefore some of this money that is going into circulation as a result of COLA must be absorbed somehow.

Once again, Sir, I would reiterate that the COLA award of Government is generous, and it should also be borne in mind that in these days of stress and of war people must expect to bear some sacrifice. We want to alleviate hardship on those who are least able to bear it, but others must expect to bear some sacrifice. I hope too, Sir, that Honourable Members will agree that the proposals of Government for meeting the Cost of Living Allowances are sound. I therefore commend to this House the resolution standing in my name. As Your Excellency indicated in your address this morning it is proposed that this resolution should be considered in Finance Committee, together with the two resolutions standing in the name of the Honourable the Comptroller of Customs and Excise.

His Excellency :

Before I put to Honourable Members the question that this motion be referred to a Select Committee consisting of Honourable Members of Finance Committee I should like to make quite sure they understand the implications of this. If the motion were referred now without further debate to Select Committee it would be considered in that committee, which would then report to the House and there would then be a full debate on the recommendations of the Select Committee. If Honourable Members would prefer to have a Council debate before the motion is referred to Select Committee then the Government is quite willing to fall in with their wishes. If, therefore, when I put the question, any Honourable Member says no, there will be a division, in which the Official Members will take no part.

The question is that the motion which has been moved by the Honourable the Chief Secretary be referred to a Select Committee consisting of the members of the Finance Committee.

Motion approved.

**RESOLUTION AND ORDER MADE UNDER SECTION 8 OF THE CUSTOMS
TARIFF ORDINANCE, 1941****The Honourable the Comptroller of Customs and Excise :**

Your Excellency, I beg to move the Resolution relating to customs duties standing in my name. The Resolution seeks to confirm two Orders in Council which were published in the Gazette last week and came into force on publication, subject to their being confirmed by this Council. If the Resolution is rejected the duties that have already been collected must be refunded. The two Orders in Council provide for customs duties and a third which is to be confirmed later provides for excise duty. I must take the yield of the two together; that is, the yield from cotton piece goods, hides and skins and imported and locally manufactured cigarettes. The yield from all these is close on £600,000, more than half coming from cotton goods, and only some £3,000 to £4,000 from the duties on hides and skins.

The present duty on the cheapest kinds of cotton piece goods, that is to say, grey and bleached cottons is 1d per square yard, plus a surtax of one farthing—1½d in all—which will become 1½d plus three-eighths, making an addition of fifty per cent to the total duty payable. The same proportion is taken throughout.

The extra duties on hides are 4s and on goat skins and sheep skins 12s 6d per ton, and the increase of customs duties on imported cigarettes amounts to 10d per tin of fifty.

I have on previous occasions pointed out that seventy-five per cent of the total yield of customs duties in Nigeria comes from six products. These are, salt, leaf-tobacco, cigarettes, spirits, petrol and cottons; and of the remaining twenty-five per cent *ad valorem* contributes the lion's share.

It is impossible now to increase *ad valorem* duties. The value of goods subject to duty *ad valorem* has risen very considerably

in many cases, and as the value rises so the duty on a given article rises with it. Again, *ad valorem* duties fall unequally on the population. For example, a man who has to buy a machine may be a poor man, but at present duty rates and prices he may have to pay £1 duty on quite a small machine.

We must therefore turn to the six products I mentioned. Salt must be left out for obvious reasons. There is a high duty on leaf-tobacco at present and it is being grown more and more in this country. Petrol we cannot consider. The duty on spirits has been enormously increased in the last two years. This leaves us with the two articles that have been selected. No apology is necessary for a steep increase in the duty on cigarettes. I think the best way of illustrating the justification for this increase is simply to state that with these new duties we shall blow away in one year in tobacco smoke ten times the total amount of the contributions to date to all the Nigerian war funds combined.

With regard to cotton piece goods, the justification is that the yield is great and that it is spread over the whole population. The onus will not rest too much on any one individual. I have the honour to move that this resolution be referred to a Select Committee consisting of the Finance Committee of this Council.

The Hon. the Acting Financial Secretary :

I beg to second.

Resolution referred to a Select Committee consisting of the Standing Committee on Finance.

RESOLUTION AND ORDER MADE UNDER SECTION 13 OF THE EXCISE
ORDINANCE, 1941

The Hon. the Comptroller of Customs and Excise :

I now beg to move the Resolution and Order relating to excise duties on cigarettes. This seeks to confirm two rates of duty on cigarettes made in Nigeria, 23s a thousand on the lower and 32s a thousand on the higher quality. The effect on the lower quality is that cigarettes which hitherto have sold at four for 2d must now sell at three for 2d. I beg to move that this Resolution be referred to a select committee consisting of the Finance Committee of this Council.

The Hon. the Director of Public Works :

I beg to second.

Resolution referred to a Select Committee consisting of the Standing Committee on Finance.

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.”

I trust I may be permitted on this occasion to express my thanks to those Honourable Members who have attended the Finance Committee for their careful examination and helpful criticism of the matters which I have had to submit to them.

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

I beg to second.

Resolution adopted.

RESOLUTION AND ORDER UNDER THE STAMP DUTIES ORDINANCE, 1939

The Hon. the Attorney-General:

Your Excellency, I beg to move the Resolution and Order relating to Stamp Duties. Under the 1939 Stamp Duties Ordinance there is a stamp duty of £25 payable on an admission to practise at the Bar, and under that same heading there is also another item in respect of notaries, the stamp duty amounting to £10. It is now proposed that the Schedule to the Stamp Duties Ordinance, 1939, shall be amended by adding under the item "Admission as a barrister or solicitor" the following exemption—
"Exemption.

"Admission as a military advocate under the provisions of the Military Advocates Rules, 1942."

Honourable Members of Council have not seen the Military Advocates Rules referred to, and naturally before they approve this Resolution they would like to know what it is all about. It has been shown to be necessary throughout West Africa to have members of His Majesty's Forces defended in criminal cases by qualified commissioned officers. The object of the Resolution is to remove the stamp fee payable on their admission. After a man is admitted he has to be enrolled and that is the matter dealt with by the Rules which are referred to in this Resolution. The Rules are to be made by the Chief Justice, but the difficulty of admission has to be overcome first before these rules can be made.

A military advocate will not be entitled to receive any fee except from His Majesty's Forces. Therefore I beg to move that the Resolution and Order under the Stamp Duties Ordinance, 1939, standing in my name be adopted.

The Hon. the Deputy Chief Secretary:

I beg to second.

Resolution adopted.

BILLS

(First Readings)

THE OATHS AND AFFIRMATIONS ORDINANCE, 1942

The Hon. the Attorney-General:

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

An Ordinance relating to Oaths and Affirmations.

This particular Bill before the Council is a Bill to take the place of an Ordinance enacted in 1917. Since then much has

happened and many provisions which were then unforeseen are now provided for in this Bill. The urgent necessity for making amendment to the existing law is to enable certain classes of the community to take the equivalent of an oath. It actually arose in the North over a Mohammedan policeman who was required to take an oath contrary to his religious belief. This Bill has been very carefully considered and I feel it will clear many difficulties that now exist and at the same time will enable a man of whatever his religious belief he may be to take an oath or the alternative affirmation in the place of an oath.

The Hon. the Commissioner of the Colony :

I beg to second.

Bill read a first time.

THE HIDES AND SKINS ORDINANCE, 1942

The Hon. the Attorney-General :

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

An Ordinance to enable the Governor in Council to make Regulations for maintaining and improving the quality of Nigerian Hides and Skins and for regulating and controlling the trade and export of Hides and Skins.

Legislation exactly similar to this has been in force for some time in the Northern Provinces and will prove advantageous if it is introduced in the Southern Provinces. I read somewhere that £28,000 is lost annually in the Southern Provinces owing to improper care in the preparation of hides and skins for export.

The Hon. the Director of Agriculture :

I beg to second.

Bill read a first time.

THE DOGS ORDINANCE, 1942

The Hon. the Attorney-General :

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

An Ordinance to regulate the licensing of Dogs and to provide for the suppression of rabies.

This Bill has been drafted as a result of very considerable research. The Bill as drafted will enable detailed control to be exercised over the licensing of dogs throughout the whole country. Control will be much easier than it is at present; it will be decentralized instead of being as at present vested in the Governor in Council. The authorities will be appointed by the Governor. In Lagos the authority will be the Town Council; in cases of other townships the local authority and elsewhere the native authority or other suitable person.

The Hon. the Solicitor-General :

I beg to second.

Bill read a first time.

THE VACCINATION (NORTHERN PROVINCES NATIVE AUTHORITIES)
(AMENDMENT) ORDINANCE, 1942

His Honour the Chief Commissioner, Northern Provinces :

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

An Ordinance to amend the Vaccination Ordinance.

The Honourable Members of the Council will realise that I am referring almost entirely to the Northern Provinces. The Bill will give the Native authorities legal power and will only affect those who are ready to be vaccinated. The native authorities welcome this Bill and will be very pleased if this house gives it support.

The Hon. the Deputy Chief Secretary :

I beg to second.

Bill read a first time.

THE STAMP DUTIES (AMENDMENT) ORDINANCE, 1942

The Hon. the Attorney-General :

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

An Ordinance to amend the Stamp Duties Ordinance, 1939.

The Honourable Members of the Council will see that this Bill has been drafted to reduce work and to simplify procedure for the benefit of the public. No revenue will be lost as the other fees will be increased slightly.

The Hon. the Solicitor-General :

I beg to second.

Bill read a first time.

THE NATIVE ADMINISTRATIONS (LEGAL PROCEEDINGS)
(AMENDMENT) ORDINANCE, 1942

The Hon. the Attorney-General :

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

An Ordinance to amend the Native Administrations (Legal Proceedings) Ordinance, 1932.

I wish to point out a mis-print in the title which should read An Ordinance to amend the Native Administrations (legal proceedings) Ordinance, "1932," instead of "1942". The Native Administrations Ordinance refers to statutory bodies known as native administrations but does not include references to native authorities. A Native Administration is a native authority exercising administrative functions and there may be cases when it would be necessary to define this in the Gazette. The amendment now before the Council will avoid any necessity for doing so. When the new Native Authority Ordinance appears the term "Native Administration" will disappear from our statute law.

The Resident, Warri Province :

I beg to second.

Bill read a first time.

THE ARMS ORDINANCE, 1942

The Hon. the Attorney-General :

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

An Ordinance to make provision for the regulation of matters relating to arms and ammunitions.

The Honourable Council will see that the Bill drafted is the result of much thought and consideration. The third Committee has gone into the matter very thoroughly, and the Bill now before the Council is easy to operate, effective, and should result in there being a proper and effective control of all arms and ammunitions in Nigeria. The Bill will not require the licensing and registration of Dane guns and Cap guns. Strictly speaking under the existing law licences are required for Cap guns but it is impossible to trace where the Cap guns may be as no record can be kept. Under the new Ordinance every owner of a firearm who is considered a proper person to have a firearm will be entitled to a permit which will cost nothing, but he will have to take out a licence for the use of the particular arm. All firearms will have identification marks and as there will be a registration of arms it should therefore be possible at any time to ascertain exactly where and in whose custody any particular firearm should be.

It will be observed that the owner of a gun licence will be permitted to shoot those birds found in the Third Schedule to the Wild Animals Preservation Ordinance. The new proposal is that the licence for a shot gun will be increased and no separate licence will be required under the Wild Animals Preservation Ordinance to shoot those birds. In other words the owner of the gun will pay an increased gun licence fee but will not have to take out the additional licence now required.

This Bill makes it possible to distinguish very simply what are and what are not weapons and munitions of war.

The Hon. the Solicitor-General :

I beg to second.

Bill read a first time.

THE WILD ANIMALS PRESERVATION (AMENDMENT)
ORDINANCE, 1942**The Hon. the Attorney-General :**

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

An Ordinance to amend the Wild Animals Preservation Ordinance.

The Honourable Members will remember I have just explained that the owner of a gun will have to pay an increased licence fee under the new Arms Ordinance but will not be required to take out a separate licence under the Wild Animals Preservation Ordinance. This Bill effects the necessary amendments to the latter Ordinance.

The Hon. the Solicitor-General :

I beg to second.

Bill read a first time.

THE HARBOUR DUES (AMENDMENT) ORDINANCE, 1942

The Hon. the Acting Financial Secretary :

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

An Ordinance to amend the Harbour Dues Ordinance.

The Bill has one object only and this is adequately set forth in the Acting Attorney-General's footnote. Briefly, the Ordinance is directed to improving the procedure in connection with waiving Harbour dues. At present if an occasion arises in which it is obviously just or equitable to waive a charge, this cannot be done unless a regulation applicable to the particular case is either in existence or is specifically framed to meet it. Amending the parent Ordinance as now proposed will enable remission to be considered and, if necessary, authorised, without first going through the procedure of framing a regulation to cover the particular case. This Council has already approved a precisely similar procedure in the case of Customs Duties and it will be a distinct convenience to extend it to Harbour dues.

The Resident, Ondo Province :

I beg to second.

Bill read a first time.

THE POLICE ORDINANCE, 1942

The Hon. the Attorney-General :

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

An Ordinance to make provision for the organisation, discipline, powers and duties of the Police.

This Bill, Sir, as members will see from the Objects and Reasons, is a revised edition of the Police Force Ordinance (No. 2 of 1930). That Ordinance has been amended a considerable number of times, and when a consolidation was prepared in connection with the revision of the Laws it was found there were certain other flaws which should be put right. Considerable thought has been devoted to this matter, and the Bill now before Council is divided into parts, setting out quite clearly, I think, the provisions of the Ordinance and the different groups of provisions under which the Police will operate.

There are two or three important matters to which I ought to refer, the most important I think being that the provisions of gratuities have been very considerably increased. They have been brought more into line, Sir, with the awards which would be made to a Policeman had he been an ordinary man working under the Workmens' Compensation Ordinance, 1941, instead of under the restricted provisions of the Police Ordinance. It will mean in effect, Sir, that the Police, as far as gratuities are concerned, will be treated in a far more generous way than they are treated under the old Ordinance. The principle of treating them in a better way than the law provides has been recognised for some time, and frequently the Governor in Council has recommended increased awards which have been afterwards confirmed by this Council.

The Bill also contains as many of the provisions affecting the Police as it was found possible to insert in the Bill. It was hoped that we would be able to put in the Bill all the powers of the Police but that was found to be practically impossible and rather too complicated, because, for example, under the Criminal Code the Police are given certain powers which are also conferred upon private individuals when required to assist the Police. Well it was found impossible, Sir, to take all those provisions out of the Criminal Code without destroying its structure and therefore those provisions will remain there, but as many as possible so far as they affect the Police only have been put in this Bill.

Another very important provision in the Bill is the provision to be found providing for the establishment of a force of Special Constables. Honourable Members will see that under the Bill it will be possible to have throughout the country in each province and in the Colony a Register of Special Constables who may be required to do certain training in the course of the year; not much, only a few hours perhaps, but it will mean that there will be a semi-trained reserve for the Police Force in time of need.

I commend those provisions to the House, Sir, and I think they will find they are extremely sound. I will not speak further on the Bill except to mention that I shall have to move one or two amendments at a later stage.

Sir, I beg to move.

The Hon. the Solicitor-General :

I beg to second.

Bill read a first time.

THE NATIVE COURTS (AMENDMENT) ORDINANCE, 1942

The Hon. the Attorney-General :

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

An Ordinance to amend the Native Courts Ordinance.

This Bill, Sir, amends our old friend section 25 of the Native Courts Ordinance, which I hope soon will be reproduced in final form. It is only designed to enable the discretionary power of Reviewing Officers to be exercised without their being challenged. At present it is somewhat doubtful exactly whose discretion is to be exercised as to whether a case should be reviewed or not. These amendments will make that quite clear.

The amendment referred to in clause 2 (b) is a necessary amendment because before a Reviewing Officer can require a case to be reheard I think it is obvious that the previous judgment should be set aside. On that particular point the existing Ordinance is silent.

As regards clause 3, Sir, it is inserted to enable fees to be fixed for Reviews and Appeals and also to enable the fees to be valid. Sir, I beg to move.

The Hon. the Deputy Chief Secretary :

I beg to second.

Bill read a first time.

THE NATIVE AUTHORITY (AMENDMENT) ORDINANCE, 1942

The Hon. the Attorney-General :

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

An Ordinance to amend the Native Authority Ordinance, 1933.

As Honourable Members will see, Sir, this amending Bill is intended to add two sections to the existing Ordinance. The first section gives power to Native Authorities to make rules relating to child betrothals. That has been a thorny subject for a long time, because in a great many cases the authorities are absolutely satisfied that a child who is alleged to be betrothed is taken away not for that purpose but for some form of servitude. Under the Criminal Code it is not possible to convict a person for taking a child away, provided he can plead certain justification, such for example, is the fact that she is taken away as a bride. Though we know in many cases that is not so it is practically impossible to prove it. Under the first section proposed to be added to the existing law it will be possible for rules to be made governing this matter, and it will be possible to make those rules apply to a child in an area and also when the child has left the area and gone to reside in a different area.

The next section to be added to the existing law, Sir, is one to simplify the signification of Orders and Rules of Native Authorities. At the present moment the existing law is silent on how these Orders or Rules are to be signified as having been made and therefore it is necessary for all members of the Native Authority to sign the Order or the Rules. Where a Native Authority consists of perhaps a dozen members that is a simple matter, but where a Native Authority consists of a Clan Council of a hundred or two, then there are innumerable signatures for some small Order, which is simply a waste of time, paper and energy. Under the amendment as proposed it will be possible for the Resident to say in what way these Orders will be signified. For instance he can say five members will sign it or two members, or whatever he thinks the most appropriate political method of giving effect to an Order in a particular area.

I propose to move an amendment to the Bill, a minor one which will give the Resident power to say whether any number of people will suffice, say any five, or whether, in certain matters, he will want particular individuals to sign it. It may be advisable in certain cases for the Native Authority, or particular members, to have their own personal authority upheld by their actually signing a particular order.

Sir, I beg to move.

The Resident, Ondo Province :

I beg to second.

Bill read a first time.

THE NATIVE AUTHORITY (COLONY) (AMENDMENT) ORDINANCE, 1942

The Hon. the Commissioner of the Colony :

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

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

This is a companion Bill to that which has as just been moved by the Honourable the Attorney-General but it contains an additional clause. Many of the members of the Native Authorities in the Colony are chosen by their people to represent them for specified periods, one year for example, and are then appointed by me. There is no provision for appointment for a specified period so at the end of a man's term of office I have to revoke his appointment. It is very desirable that as, in other councils, the term of office should be prescribed at the time of appointment.

Sir, I beg to move.

The Hon. the Solicitor-General :

I beg to second.

Bill read a first time.

THE LAGOS TOWNSHIP (AMENDMENT) ORDINANCE, 1942

The Hon. the Commissioner of the Colony :

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

An Ordinance to amend the Lagos Township Ordinance, 1941.

Clause 2 deals with a small matter of procedure. At present when an election becomes necessary the President has to put one notice in the Gazette and the Secretary another. This amendment will enable the latter to do both.

Clause 3 deals with electioneering offences. When the principal ordinance was drafted it was intended that all the detailed procedure with regard to elections should be dealt with by regulations under section 26. But when it came to drafting the regulations it seemed very doubtful whether this was a proper way of legislating for the prevention and punishment of corruption. The clause has therefore been drafted with a view to incorporating the necessary provisions in the Ordinance. There is nothing in them which is new to British law. The clause follows very closely the Nigeria Legislative Council Regulations except in the new sections 28 (f) and (g) which are modelled on the Ballot Act of the United Kingdom.

Clauses 4 to 6 amend the law as to rating. At present the amount of the township rate is fixed for the year and cannot be altered during the year despite the fact that new charges may fall to be met. Clause 4 will make it possible for the Council to alter the rate upwards or downwards every six months. The limit on the amount of the rate remains the same but as it can be imposed twice a year the maximum amount which can be collected in any one year becomes 4s in the pound instead of 2s.

Clause 6 deals with a situation which has now actually arisen. The Honourable the Chief Secretary has already explained the position with regard to COLA. The half-yearly rate will not come into effect until next year, so clause 6 gives the Council power to impose an additional rate to the end of the year, which will meet all the extra charges as a result of COLA.

Sir, I beg to move.

The Hon. the Solicitor-General :

I beg to second.

Bill read a first time.

THE CRIMINAL CODE (SEDITION, UNDESIRABLE PUBLICATIONS AND UNLAWFUL POSSESSION) (AMENDMENT) ORDINANCE, 1942

The Hon. the Attorney-General :

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

An Ordinance to amend the Criminal Code.

As Honourable Members will see, this Bill deals with three particular subjects. One is Sedition, another Undesirable Publications and the third is Unlawful Possession.

The first two I think can be taken rather more conveniently together. This does not to any very great extent alter the existing law as regards its principles, but it will bring our local legislation into line with the legislation existing in many parts of the Empire, and I think Honourable Members will agree that on a subject such as sedition it is most essential that the law on this point in different territories should be the same. The principles should be the same even though the details and the phraseology used cannot be the same. The provisions at present existing in the law covering sedition will be found in sections 50, 51 and 52 of the Criminal Code. Those sections are repealed by clause 3 and other sections are substituted. Sub-section (1) merely defines certain terms used in the bill. In sub-section (2) at the foot of page 2 "Seditious intention" paragraphs (i), (ii), (iii) and (iv) correspond practically with section 50 of the Criminal Code. The portion in the middle of page 3 corresponds in effect with section 51 of the Criminal Code, the marginal note of which is "innocent intention". And the new section 51 on page 3 where it sets out the offence is, to a certain extent, new and clearer. The existing law, Sir, is very ambiguous in some respects. It is now clearly set out in the new section 51 on pages 3 and 4 of the Bill.

Section 52 is new. Those provisions at present do not exist and they are intended to safeguard individuals from unnecessary prosecution.

In clause 4 of the Bill, Sir, will be found a new section 58 of the Criminal Code. Section 58 of the Criminal Code is a curious conglomeration of provisions for prohibiting the introduction of literature into the country. Most of the provisions on pages 5, 6 and the top of 7 already exist in the law, but are not as clearly set out as in the present Bill. The new section 59 on page 7 will take

the place of the existing 59 but with this important addition, that the clause now requires a person to prove the accuracy of his statements. In other words, instead of being able to just spread rumours which may do injury to the country and in most cases get away scot free, the person concerned now will have to show that before spreading those rumours he did take reasonable care to ascertain that they were true; this is to guard against malicious rumours.

Clause 5 repeals clause 430 of the Criminal Code. It is a section which refers to the offence of unlawful possession. Recently in the Court of Appeal allowed an appeal in a case where a man was charged with unlawful possession of articles. He had them in a house, and the Court held that the phraseology of the section was such that it only applied to articles which were found in the possession of an individual in the streets. That is a perfectly correct decision in law, and therefore it was necessary for us to take some steps to provide that where a man has been quick enough to get into his house before being caught that should not allow him to escape scot free, whereas had he been caught on the road he would have been convicted of a criminal offence; therefore the particular section now before the Council has been introduced to meet this particular difficulty. Honourable Members will see that it is a fairly long section and provides that where a man is brought before the Court charged with such an offence and he states that he got the articles in question from friends it is the duty of the Court to follow that report up and take evidence to find out if it is true. In other words, where a man springs an excuse upon the Court which may reasonably be true he will not be entitled to acquittal until the Court finds out whether he is speaking the truth or not. Honourable Members will realise that some people may think it is the duty of the police to follow it up. So it is providing that the accused person informs the police before he goes on trial. The police will then follow it up. But that cannot happen when it is only in Court that the defendant makes a statement. In that case it is the duty of the Court to ascertain by summoning all witnesses whether the truth is being spoken.

The Ordinance also provides that the possession of a carrier shall be deemed to be the possession of the actual person who gave him the objects. These provisions, Sir, are new to Nigeria but they are not new provisions because I remember the necessity for an ordinance of this nature being brought into British Guiana as long ago as 1915. I myself was then a Police Officer there and I know how difficult it was to get convictions against guilty people. I mention this because I can speak from my own practical experience of the necessity for this particular section.

One other point, Sir. Honourable Members will see that a convicted person is liable to a fine of one hundred pounds or six months imprisonment. Under the present section the existing law provides for an increased penalty on a second or third

conviction. That is not reproduced here. It is thought now that the maximum penalty for a first offence is increased from three to six months that will meet the circumstances.

Sir, I beg to move.

The Resident, Warri Province :

I beg to second.

Bill read a first time.

The Hon. the Attorney-General :

Sir, I beg to give notice that all Bills read a first time to-day will be proceeded with and taken to completion at the next meeting of the Council.

His Excellency :

As there is not sufficient time now to deal with the Customs Bill Council will adjourn till 2.30 p.m.

Council adjourned at 12.25 p.m.

Council resumed at 2.30 p.m.

(Second and Third Readings.)

THE CUSTOMS ORDINANCE, 1942

The Hon. the Comptroller of Customs and Excise :

Your Excellency, in moving the second reading of this Customs Bill I do not propose to go over the ground which we traversed when Council last met, because the general provisions and merits of the Bill are sufficiently long-established and obvious, and in any case they are set out at considerable length in the Memorandum of Objects and Reasons.

Honourable Members will recall that when the Bill passed its first reading it was asked that, being a very large Bill, time should be given to have its contents examined, and at least two considerable interests in Nigeria have taken the trouble to send the Bill to London for expert examination by their legal advisers. I have the comments of both of these. One reads:—

“ We are of opinion that the proposal to bring the current regulations into one complete Ordinance is a measure which will receive general support. We cannot offer any serious criticism of the new proposals and the enclosed notes do not refer to any very important points ”

and the other reads:—

“ I have been through this Bill, and have the following observations to make upon it . . . ”

and then follow odd minor amendments. I may say that all these, and all local observations, have been studied. I have consulted the people representing those responsible for them and I think it is correct to state that the local shipping and commercial interests agree with me that the amendments which are on the printed list and which I propose to move in committee are all that are required. I therefore move that the Bill be read a second time.

The Hon. the Acting Financial Secretary :

I beg to second.

The Member for Shipping (The Hon. G. H. Avezathe) :

The Honourable the Comptroller of Customs has gone to considerable trouble in explaining to the shipping representatives the need for this Bill, which we fully realise, and I have no opposition whatever to offer. Everything has been covered by the courtesy of the Comptroller of Customs, as far as shipping is concerned.

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

Sir, as far as commerce is concerned, I endorse the Honourable Member for Shipping's remarks.

Bill read a second time.

Council in Committee.

Enactment.

Clauses 1 and 2.

Clause 3.

The Honourable the Comptroller of Customs and Excise :

Sir, I beg to move that clause 3 be amended by deleting the words " owner or " in the definition of " warehouse-keeper ".

Amendment approved.

Clauses 4 to 9.

Clause 10.

The Honourable the Comptroller of Customs and Excise :

Sir, I beg to move that clause 10 be amended by substituting the word " Governor " for the word " Govenor " in the third line.

Amendment approved.

Clauses 11 to 14.

Clause 15.

The Hon. the Comptroller of Customs and Excise :

Sir, I beg to move that clause 15 be amended by substituting the word " in " for the word " on " in the second line.

Amendment approved.

Clauses 16 to 19.

Clause 20.

The Hon. the Comptroller of Customs and Excise :

Sir, I beg to move that clause 20 be amended by substituting the word " six " for the word " three " in the tenth line.

Amendment approved.

Clauses 21 to 28.

Clause 29.

The Hon. the Comptroller of Customs and Excise :

Sir, I beg to move that clause 29 be amended by adding the following proviso at the end thereof :—

“ Provided that in the case of liquids, such measurement shall, if the Comptroller so desires, be calculated at a temperature of 80° Fahrenheit ”.

Amendment approved.

Clause 30.

Clause 31.

The Hon. the Comptroller of Customs and Excise :

Sir, I beg to move that clause 31 be amended by inserting a comma and the word “ lagan ” after the word “ flotsam ” in the first line.

Amendment approved.

Clause 32.

The Hon. the Comptroller of Customs and Excise :

Sir, I beg to move that clause 32 be amended by inserting a comma and the word “ lagan ” after the word “ flotsam ” in the third line.

Amendment approved.

Clause 33.

The Hon. the Comptroller of Customs and Excise :

Sir, I beg to move that clause 33 be amended by deleting the word “ unavoidable ” in the first line. One of the commercial critics has pointed out that there is difficulty in interpreting the word “ unavoidable ”, and it is not necessary in that particular clause.

Amendment approved.

Clauses 34 to 43.

Clause 44.

The Hon. the Comptroller of Customs and Excise :

Sir, I beg to move that clause 44 be amended by substituting the word “ ships’ ” for the word “ ship’s ” in the sixth line, and by adding at the end thereof the following proviso:—

“ Provided always that any goods imported as aforesaid shall be duly re-exported within such time as the Comptroller shall allow ”.

Amendment approved.

Clauses 45 to 55.

Clause 56.

The Hon. the Comptroller of Customs and Excise :

Sir, I beg to move that clause 56 be amended by substituting the word “ re-exportation ” for the word “ exportation ” in the fourth line.

Amendment approved.

Clause 57 and 58.

Clause 59.

The Hon. the Comptroller of Customs and Excise :

Sir, I beg to move that clause 59 be amended by deleting the words “ and, in addition, a penalty of five pounds in respect of each such package or parcel ” in the ninth and tenth lines.

Amendment approved.

Clauses 60 to 63.

Clause 64.

The Hon. the Comptroller of Customs and Excise :

Sir, I beg to move that clause 64 be amended by substituting the word " officer " for the word " Officer " in the first line.

Amendment approved.

Clauses 65 to 117.

Clause 118.

The Hon. the Comptroller of Customs and Excise :

Sir, I beg to move that clause 118 be amended by deleting the word " No " in the first line and by substituting therefor the words " save with the written permission of the Comptroller, no "

Amendment approved.

Clauses 119 to 134.

Clause 135.

The Hon. the Comptroller of Customs and Excise :

Sir, I beg to move that clause 135 be amended by inserting a comma and the expression " or his agent " after the word " ship " in the first line of sub-clause (3).

Amendment approved.

Clauses 136 to 186.

Clause 187.

The Hon. the Comptroller of Customs and Excise :

Sir, I beg to move that clause 187 be amended by substituting the word " seize " for the " sieze " in the sixth line.

Amendment approved.

Clauses 188 to 202.

Clause 203.

The Hon. the Comptroller of Customs and Excise :

Sir, I beg to move that clause 203 be amended by substituting the word " any " for the word " and " in the twelfth line.

Amendment approved.

Clauses 204 to 220.

Clause 221.

The Hon. the Comptroller of Customs and Excise :

Sir, I beg to move that clause 221 be amended by substituting the word " shillings " for the word " shilings " in the last line.

Amendment approved.

Clauses 222 to 236.

Clause 237.

The Hon. the Comptroller of Customs and Excise :

Sir, I beg to move that clause 237 be amended by deleting the word " in " in the seventh line.

Clause 238.

Clause 239.

The Hon. the Comptroller of Customs and Excise :

Sir, I beg to move that clause 239 be amended by inserting a hyphen after the last letter in the first line.

Amendment approved.

Clauses 240 to 258.

Clause 259.

The Hon. the Comptroller of Customs and Excise :

Sir, I beg to move that clause 259 be amended by renumbering as clause 260 and by inserting the following clause as clause 259:—

259. All the provisions of the customs laws shall apply in relation to the importation or exportation of goods and to the arrival and departure of persons overland or by inland waters as they apply in relation to the importation or exportation of goods and to the arrival, landing and departure of persons by, from and on board aircraft or ships arriving from and proceeding overseas, and, for the purpose of facilitating such application, such provisions may be construed with such verbal alterations, not affecting the substance, as may render the same applicable."

I do not think it is necessary to point out that you cannot have a Customs Ordinance without that clause and it was omitted purely by inadvertence.

Amendment approved.

Clauses 260 to 262.

The Hon. the Comptroller of Customs and Excise :

Sir, I beg to move that clauses 260 to 262 be amended by renumbering them as clauses 261 to 263.

Amendment approved.

I also have to move, Sir, that clause 2 be re-committed and that a consequential amendment be made by substituting the figures " 252 to 263 " for the figures " 252 to 262 " opposite Part 15.

I suggest, Sir, that it would shorten the proceedings and be in order if we formally leave the Bill there for reconsideration when Council meets again after consideration of the Resolution which I moved this morning.

His Excellency :

The Committee should adjourn in order to enable the Resolution moved this morning to be discussed before the consequential amendments in the Fourth Schedule are put to the committee.

Council resumed.

His Excellency :

Council will now adjourn until the Select Committee has reported on the previous Resolutions.

Council adjourned at 2.50 p.m.

Debates in the Legislative Council of Nigeria

Wednesday, 9th September, 1942

Pursuant to notice the Honourable the Members of the Legislative Council met in the Council Chamber, Lagos, at 10 a.m. on Wednesday, the 9th of September, 1942.

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.
- 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 Resident, Warri Province,
Major the Honourable R. L. Bowen, M.C.
- The Resident, Ondo Province,
Major the Honourable J. Wann.
- 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 C. R. Lockhart, C.B.E.,
Director of Supplies (Extraordinary Member).
- The Honourable G. L. Howe,
Solicitor-General (Extraordinary Member).

- The Honourable E. C. Crewe,
Postmaster-General (Extraordinary Member).
The Honourable G. B. Williams, m.c.,
Commissioner of the Colony (Extraordinary Member).

UNOFFICIALS

- The Member for the Ibo Division,
The Honourable B. O.-E. Amobi.
The Member for the Rivers Division,
The Honourable S. B. Rhodes.
The Member for the Oyo Division,
The Honourable N. D. Oyerinde.
The Banking Member,
The Honourable D. D. Gibb.
The Member for the Calabar Division,
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,
Lieut.-Colonel the Honourable H. H. W. Boyes, m.c.
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 Ondo Division,
The Rev. and Honourable Canon M. C. Adeyemi.
The Member for the Cameroons Division,
The Honourable J. Manga Williams.
The Commercial Member for Calabar,
The Honourable W. V. Wootton.
The Commercial Member for Port Harcourt,
The Honourable Fred Edmondson.

ABSENT

OFFICIAL

- The Director of Marine,
Captain the Honourable A. V. P. Ivey, C.B.E., R.D.,
R.N.R.
The Senior Resident, Cameroons Province,
The Honourable A. E. F. Murray.
The Senior Resident, Sokoto Province,
Commander the Honourable J. H. Carrow, D.S.C., R.N.
(retired).

- The Senior Resident, Owerri Province,
The Honourable F. B. Carr.
- The Senior Resident, Adamawa Province,
Captain the Honourable E. W. Thompstone, 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, Niger Province,
The Honourable R. D. Ross.

UNOFFICIALS

- The Member for the Warri Division,
The Honourable A. Egbe.
- The Commercial Member for Kano,
The Honourable W. T. G. Gates.

PRAYERS

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

CONFIRMATION OF MINUTES.

The Minutes of the meeting held on the 7th of September, 1942, having been printed and circulated to the Honourable Members were taken as read and confirmed.

PAPERS LAID

The Hon. the Chief Secretary to the Government :

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

Report of the Select Committee appointed to consider the motion of the Honourable the Chief Secretary to the Government regarding the payment of Cost of Living Allowance, and Resolutions and Orders under section 8 of the Customs Tariff Ordinance, 1941, and section 13 of the Excise Ordinance, 1941.

QUESTIONS

NOTE.—Replies to Questions Nos. 19, 20, 22 and 23 by the Honourable the Member for the Ibo Division, Nos. 25-29 by the Honourable the Member for the Ibibio Division, No. 43 by the Honourable the Member for the Colony Division, No. 47 by the Honourable the Member for the Ondo Division, Nos. 55, 58 and 60 by the Honourable the Member for the Calabar Division, Nos. 66, 71 and 72 by the Honourable the Member for the Cameroons Division, No. 83 by the Honourable the Member for the Ibo Division, Nos. 86 and 87 by the Honourable the Third Lagos Member, and No. 89 by the Honourable the Member for the Oyo Division, are not yet ready.

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

21. To ask:—

(a) Whether in the Eastern Provinces any Native Administration employees other than labourers have been fined sums of money up to,

or in excess of, one quarter of their monthly salaries in the year 1941 up to the date of the receipt of these questions?

(b) If the reply to (a) above is in the affirmative, who was responsible for imposing these fines and what are the names of the persons fined, the amount of their monthly salaries and the actual amount of the fines?

(c) Are returns of fines imposed on Native Administration employees other than labourers rendered to the Resident in charge of the Province as a safe-guard against excessive and vexatious fines? If not, why not?

(d) Whether another form of punishment for departmental discipline cannot be evolved for Native Administration employees in place of fines in view of the comparative smallness of their salaries?

(e) Who determines the termination of appointment or dismissal of Native Administration employees?

(f) Whether termination of appointment or dismissal of Native Administration employees does receive prior approval of the Resident in charge of the Province and the Chief Commissioner concerned as a check against injustice and unfairness? If not, why not?

Answer—

The Hon. the Chief Secretary to the Government:

(a) Yes, Sir. Thirty-eight persons were so fined.

(b) A statement containing the information will be supplied to the Honourable Member.

(c) No, Sir. Residents rely on the discretion of their District Officers.

(d) Administrative Officers have received instructions pointing out that fines generally do more harm than good and that in most cases a more effective and appropriate punishment is an entry in the offender's Service Sheet.

(e) The Native Authority, or the District Officer on the Native Authority's behalf.

(f) The District Officer is the final authority in the case of daily paid labour, subject to their right of petition. The Resident is the final authority in the case of other Native Administration employees.

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

36. (a) Is it a fact that the Honourable the Commissioner of the Colony holds regular monthly meetings at Iga Idunganran with the Lagos Chiefs?

(b) What is the official designation of such meetings—"Native Authority" or "Native Administration"?

(c) Are members representing Lagos both in the Legislative Council and Lagos Town Council invited to the meetings? If not, why not?

(d) What are the topics discussed at the meetings which are of interest to the public?

(e) Are Oba Falolu and his Chiefs considered competent *media* of communication of official information to the public?

Answer—

The Hon. the Commissioner of the Colony:

(a) Yes, Sir. But owing to the indisposition of the Oba Falolu it has unfortunately not been possible to hold a meeting since June.

(b) Monthly Meeting of the Chiefs.

(c) Special invitations are not issued but members of the Legislative Council and the Town Council do from time to time attend the meetings.

(d) Any matter of interest to the chiefs or the people of Lagos which is put on the agenda by a chief or by the Commissioner of the Colony is discussed.

(e) The Oba Falolu and Chiefs frequently disseminate information by the customary means. This is a valuable addition to the publicity given by means of the press and the Radio Diffusion Service.

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

37. In view of the report published in the *West African Pilot* of April 17th, 1942, and in the *Nigerian Daily Times* of April 18th, 1942, that the Osemowe of Ondo was deposed as a sequel to High Court findings that human sacrifice was perpetrated in a grove for which two Chiefs were imprisoned, to ask if Government does not think that the time has come for the demolition or periodical inspection of those groves in Nigeria reputed to be the scenes of human sacrifice or immolation of twins before British regime?

Answer—

The Hon. the Chief Secretary to the Government:

The grove at Ondo was demolished by the Ondo chiefs and people acting on their own initiative. There is no evidence elsewhere to justify the making of an order that these groves should be demolished or inspected from time to time, and the procedure if adopted would cause indignation among the chiefs and people who have long since abandoned such customs. The suggestion recently made in a certain newspaper that the practice of human sacrifice existed at another place in the Western Province was entirely unfounded and deeply resented by the inhabitants.

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

38. (a) To ask how many persons are holders of Savings Bank Books in Agege, and how many of these are illiterate depositors?

(b) What is the approximate average amount of money passing through the hands of the Postmaster of Agege in a month?

(c) Is the Postmaster-General satisfied that both the safe and the building serving as Post Office are secure enough for the postal transaction going on in Agege?

(d) When will a substantial building be erected as Post Office with living quarters for the Staff in Agege?

Answer—

The Hon. the Postmaster-General:

(a) 500 opened, 300 of which are illiterate.

- (b) Cash receipts average £7,800 a month.
- (c) The building is unsatisfactory and unsuitable.
- (d) As soon as circumstances permit. The urgent need for conserving imported building materials is likely to preclude construction during the war.

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

41. (a) To ask if officers of "Native" Administration in the Colony district are non-pensionable public servants?
 (b) What are their terms of engagement?
 (c) Have they scale of salaries with annual increments?

Answer—

The Hon. the Commissioner of the Colony:

(a) If the Honourable Member by use of the words "public servants" implies "Government servants" then the answer is in the negative; but if the Honourable Member means "public servants" in its generally accepted meaning, namely, that certain of such persons are performing duties of a public nature then to that extent they are public servants and in the existing terms of employment non-pensionable.

(b) The terms of their engagement vary, but generally speaking they are engaged on an annual salary and their appointments are terminated at one month's notice on either side.

(c) No, Sir.

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

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

(a) Whether there are rest houses for train guards at Oshogbo, Ifo and Idogo?

(b) Is it a fact that train guards are obliged to sleep in first and second class coaches at Oshogbo and that inconvenience is experienced by passengers boarding the train at 5.30 a.m. and sometime there was in consequence exchange of unpleasant recrimination between train guards and passengers?

(c) What furniture are supplied the train guards for the safety of Railway tickets and books and their personal convenience in the van assigned to them and passenger goods?

(d) Why was the West Indian Traffic Inspector of Ibadan not provided with quarters in Railway premises at the station? Who is responsible for the rent of his house in Ibadan town?

(e) Are there any European train guards in charge of any goods trains? What sort of accommodation is provided for them in transit?

Answer—

The Hon. the General Manager of the Railway:

(a) Provision for the building of Guards' Resthouses at Oshogbo and Ifaw Stations exist in the current year Estimates.

The work will shortly be put in hand.

There is a resthouse for train Guards at Idogo.

(b) No, Sir; train staff are prohibited from using the passenger coaches as dormitories. Guards are permitted to sleep in the brakevan of the train at Oshogbo, until the resthouse is built.

(c) Guards are permitted to take a box with their private travelling requisites and food, and Travelling Ticket Collectors on certain train services are provided in addition with a lockable box for the small number of tickets they are required to carry.

(d) There was none available. An allowance of £1 17s 6d per mensem is paid in lieu of quarters.

(e) No, Sir; there are only two European Guards and they work with Africans on Limited trains. The European and African Guards have precisely the same type of accommodation in the Guard's van.

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

44. Inviting the attention of Government to correspondence in the *Daily Service* of May 22nd, 1942, relative to the irregular charges for transport to Ikorodu bordering on profiteering, to ask if Government in the interest of travelling public will inquire into the allegations made by the writer and regulate under War measure ordinance fares chargeable by motor or steam launches plying the lagoon with passengers?

Answer—

The Hon. the Chief Secretary to the Government:

The letter published in the *Daily Service* did not state the position quite correctly. In 1930 the launch fares between Lagos and Ikorodu were 2s for first class passengers and 1s for third class passengers but under the pressure of competition the first class fare was reduced to 1s 6d while the third class fare was lowered successively to 9d, 3d and finally for a short period in 1934 to 1d. The latter rates were uneconomic and the fare was increased to 4d in 1935, to 6d in November, 1941, and to 9d on the 20th of February, 1942.

The reason that late comers are sometimes charged 1s 6d is that the only remaining accommodation is in the first class.

It is doubtful whether there is power under the Defence Regulations to control launch fares but the desirability of so doing by other legislation is being investigated by a Committee which is examining the whole problem of regulating passenger traffic on inland waters.

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

53. To ask:—

(a) Whether it is a fact that schools in many parts of Nigeria have to pay Water Rate and in some cases have to pay Township Rates in addition?

(b) If so, will Government exempt them from the payment of those rates?

Answer—

The Hon. the Acting Financial Secretary:

(a) Water rate is either a general rate, applicable to those who receive water generally from fountains or wells, or a specific rate, applicable to those who enjoy laid-on supplies. In the former case in a certain number of localities Government and Assisted schools are exempt. There are no exemptions to the second category.

With regard to Township rates schools are not exempted in Townships situated in the Northern Provinces. In the Southern Provinces tenements occupied by Government and Assisted schools are exempt from this rate while in Lagos this exemption has been extended to include "such other schools as the Lagos Town Council are satisfied are not maintained for the purpose of the personal gain of any person, but only in so far as the buildings thereon are used exclusively as such schools."

(b) Government is not prepared to grant this exemption. The diversity of treatment accorded to Assisted schools will be the subject of inquiry.

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

59. Inviting Government's attention to the report on page 1, column 1, of the *West African Pilot* of July 9th, 1942, concerning the death at Enugu on the previous Saturday of five labourers under the Public Works Department, to ask the Honourable the Director of Public Works:—

(a) Whether it is a fact that those labourers died from injuries they sustained whilst digging a pit?

(b) What were their names and what compensation has been paid by Government to the next of kin of each of them?

Answer—

The Hon. the Director of Public Works:

(a) Yes, Sir.

(b) Ngwu Ene, Anatune of Ochebe, Joshua Madu, Ani Einwe, Silvanus Igwillo.

The men were employed by a Contractor and were not employed directly by Government. The question of compensation is still under consideration.

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

68. To ask the Honourable the Director of Public Works:—

(a) Whether he is satisfied that the funds allocated for roads in the Cameroons Province is sufficient?

(b) Whether the Victoria-Kumba roads could be put in the same classification as Aba-Oron or Aba-Onitsha roads?

Answer—

The Hon. the Director of Public Works:

(a) The funds allocated for the maintenance of Government roads in the Cameroons Province are considered to be adequate for the existing volume of traffic. Expenditure on the maintenance of these roads during the financial year 1941-42 was at the average rate of £27 9s per mile, a rate which compares favourably with funds provided for roads of a similar nature in other Provinces. Provision for the current year is at the same rate.

The need for an extension of the road system in the Cameroons Province has long been recognised and it is a matter for regret that war conditions prevent any new construction being undertaken.

(b) The three roads mentioned were all constructed to the same general specification with regard to formation, width of carriage way, width of bridges and culverts, etc.

Expenditure on the maintenance of these roads during the financial year 1941-42 was at the following rates per mile:—

	£	s	d
Bolifamba-Kumba	25	5	0
Aba-Oron	29	1	0
Aba-Onitsha	27	5	0

Provision in the current year's Estimates is at the same rate as in 1941-42 for the Bolifamba-Kumba and the Aba-Onitsha roads but for the Aba-Oron road the rate has been slightly reduced. Traffic census figures reveal that during the last two years the volume of traffic using the Aba-Oron and Aba-Onitsha roads has been much greater than that using the Victoria-Kumba route.

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

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

(a) Whether native foreigners (African Staff) in Victoria and Buea suffer a great hardship in living conditions, *viz.*:

(i) inadequate quarters, and

(ii) difficulty in procuring their staple foodstuffs from Nigeria?

(b) If the answer is in the affirmative, will Government now make a ruling that anyone of them should not be refused a transfer back to Nigeria after completion of two years?

Answer—

The Hon. the Chief Secretary to the Government:

(a) The Government is aware that African officials stationed at Victoria and Buea labour under certain disabilities in the directions suggested in the question though they are no worse off than their colleagues at a number of other stations in Nigeria.

(b) Government regrets that it cannot undertake to make such a ruling in definite terms. In practice, however, African officials serving in the Cameroons who are not natives of that area are invited when proceeding on leave to state whether they wish to return there. Their wishes are always sympathetically considered and have in the majority of cases been met. It should be noted, however, that it is part of the agreed conditions of service of all African officials that they are liable to be posted anywhere within Nigeria and the British Cameroons.

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

73. To ask the Honourable the Director of Education whether Government will consider subsidising the Catholic College at Sasse sufficiently to enable the mission to raise the College to Class 6 status?

Answer—

The Hon. the Acting Director of Education:

This question is receiving Government's consideration.

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

74. Is it a fact that a Junior Technical Staff and an Engineer do practically the same work in the Public Works Department?

Answer—

The Hon. the Director of Public Works:

During the probationary years after appointment an African Engineer's duties include much work similar to that performed by the Senior and Junior Technical Staff but the former is expected to assume a greater degree of responsibility, particularly after a few years of practical experience.

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

75. (a) Is it a fact that a member of the Junior Technical Staff has been posted to assist in the training of boys in the Engineering School of the Yaba Higher College?

(b) If so, why is the P.W.D. Technical School not merged into the Higher College Engineering School and thereby have one training school for these staffs as is done in the Survey and Medical Schools?

Answer—

The Hon. the Director of Public Works:

(a) Yes, Sir; but for certain subjects only which are common to both courses. His position is similar to that of a Demonstrator.

(b) The courses are of a different nature. The Yaba Course approximates to the ordinary University Course for Civil and Mechanical Engineers while the Public Works Department School for Junior Technical Staff is designed for the training of Technical Subordinate Staff whose functions are to supplement those of Engineers; three school classes are held for periods of six months only with periods of not less than twelve months on works in the Provinces. The total period spent in the school by Junior Technical Staff is only eighteen months and is not therefore comparable with the four years' course at Yaba.

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

76. Why cannot the Junior Technical Staff and the Engineer be grouped under one designation?

Answer—

The Hon. the Director of Public Works:

For the reasons given above the Junior Technical Staff at present is comprised of a large number of individuals with some technical knowledge but without the necessary theoretical knowledge of Engineering to justify the designation of Engineer.

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

77. Is the Honourable the Director of Public Works aware of any discontent among the Junior Technical Staff at being so designated?

Answer—

The Hon. the Director of Public Works:

Yes, Sir; at various times members of the Technical Staff have requested alteration in the designation but no better designation has yet been found which will include all the various branches such as Architectural, Civil Engineering, Mechanical, Electrical, Building, included in the Technical Staff.

A similar grade of Technical Subordinate exists in other Colonies.

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

78. To ask the General Manager of the Railway whether in view of the amount of traffic in Lafenwa Railway station he does not consider it advisable in the interest of the public to erect a bridge across the level crossing in the station?

Answer—

The Hon. the General Manager of the Railway:

Material for bridge is not available but the work of putting up gates and protecting this crossing by signals has been sanctioned and will shortly be put in hand.

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

79. To ask whether it is not possible to provide lights in the Lafenwa Railway station for the convenience of passengers who travel by the train arriving at Lafenwa at 8 to 9 p.m.?

Answer—

The Hon. the General Manager of the Railway:

No, Sir, it is regretted that there is no material available for this project.

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

82. To ask the Honourable the Chief Secretary to the Government what is the difference in the duties performed by paid and unpaid bailiffs, and why should all not be classified as paid bailiffs?

Answer—

The Hon. the Chief Secretary to the Government:

There is no difference in the duties performed by paid and unpaid bailiffs except as regards the amount of work done. The question of revising the conditions of employment of bailiffs is at present under review and the point raised by the Honourable Member will receive due consideration.

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

84. In view of the position regarding rolling stock and the petrol restrictions occasioned by war conditions, will the Government consider the possibility of blasting the rocks in the Ogun River in order to make it navigable from Lagos to Olokemeji?

Answer—

The Hon. the Director of Marine:

Data available show the river from Aro to Olokemeji to be studded with Rocks, Waterfalls, Rapids and Cataracts, over most of the distance of thirty miles between these two places. Satisfactory clearing could only be carried out at low river and it would take several low river seasons before a suitable channel was cleared. It is considered that the gain would not justify the expenditure of the large amount of explosives necessary.

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

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

(a) Whether Government has received any further petition since the last one submitted on his behalf by Sir William Geary to the Secretary of State for the Colonies from Mr G. K. Gomez,

Ex-First Class Customs Officer, praying for a grant to him of gratuity and pension in view of his having served the Government for twenty-six years and in view of the circumstances that led to his resignation?

(b) Whether it is a fact that Mr G. K. Gomez resigned his appointment under protest in July, 1937, and informed Government of this?

(c) If so, whether the reason for his resignation was that he was ordered to proceed on transfer to Koko by his Head of Department and that his request to be permitted to remain in Lagos until there was improvement in his health was refused?

(d) Whether it is a fact that at the time there was no Doctor within fifty miles of Koko and that the nearest Doctor was the Medical Officer at Sapele who only paid periodical visits to Koko?

(e) Whether it is true that the arrangements to send Mr Gomez out of Lagos followed very closely an interview with the Comptroller of Customs on the subject of improvement of conditions of the African Staff when Mr Gomez, as Secretary of the Customs Association, was the spokesman for the deputation that waited on the Comptroller; and that the President and Treasurer of the Association received similar orders to go on transfer about the same time?

(f) Was a Medical Board in fact held on Mr Gomez as provided for in the General Orders and who were the Medical Officers who constituted the Board on the occasion?

(g) Whether it is a fact that Mr Gomez brought to the notice of Government a certificate signed by Dr K. A. Abayomi, M.D., in which he was advised that it would not be in the interest of his health for some months at least at that time to proceed to a place where there was no Doctor?

(h) To ask whether the circumstances concerning Mr Gomez's resignation bore some similarity to that of Dr C. E. M. Libert now known as Dr C. E. M. Libert Knight who resigned his appointment and was subsequently permitted to retire on invalidation with gratuity and pension? Whether the case of Mr Gomez is not capable of being treated in the same manner?

Answer—

The Hon. the Chief Secretary to the Government:

(a) No, Sir.

(b), (c) & (d) can best be answered by a brief statement of the facts relating to Mr Gomez' resignation. On the 13th of July, 1937, Mr Gomez requested, in a letter addressed to the Comptroller of Customs, that instructions which he had received to proceed to Koko might be cancelled on the grounds of the unsatisfactory state of his health, or, failing the cancellation of his transfer, that he be permitted to retire from the Service. He referred to his having suffered from a "severe attack of malaria" and added that if neither of his requests could be granted, there appeared to be no alternative to his resigning his appointment on protest, in which case he would be prepared to pay immediately a month's salary in lieu of notice in accordance with the conditions of his appointment. Koko is less than three days journey from Lagos by road, sea, or creek, and a Medical Officer is stationed at Sapele which is about twenty-seven miles distant from Koko. A medical board composed of two Medical Officers (Drs J. A. L. Innes and

A. D. Hodges) had reported on the 9th of July that on "complete medical examination, including special tests, there is no evidence of active disease of any kind" and they expressed the opinion that Mr Gomez was fit for service in any normal capacity. Mr Gomez' representations were carefully considered by the Government and the Comptroller of Customs was instructed on the 20th of July to inform him that neither of his requests could be granted and that he must either resign his appointment as he proposed to do or carry out the instructions to proceed to Koko. Six days after this decision was conveyed to Mr Gomez, *i.e.*, on the 28th of July, 1937, he submitted a letter to the Comptroller of Customs resigning his appointment "on protest" and forwarding a month's salary in lieu of notice.

(e) It is not possible at this date to verify from records the precise sequence of the events but it may be stated that the interview referred to was held on the 31st of December, 1936, and the instructions to Mr Gomez to proceed on transfer were issued on the 26th of April, 1937. This applies also to the two ex-Customs Officers mentioned in the question. It is perhaps hardly necessary to observe that the disposition of the staff of a Department must be entirely at the discretion of the Head of the Department.

(f) The reference in this connection to a Medical Board is not understood as the circumstances did not necessarily call for a Medical Board but, as indicated in the reply to (b), (c) and (d), a Medical Board was held for the purpose of determining Mr Gomez' fitness to proceed on transfer.

(g) The certificate signed by Dr K. A. Abayomi, M.D., was brought to the notice of Government. It was dated 18th August, 1937, twenty-one days after Mr Gomez had submitted his letter of resignation, and was to the effect that, in his opinion, Mr Gomez was unfit to be posted to a station where immediate medical attendance was not available.

(h) No, Sir, the circumstances were different. Dr C. F. M. J. Libert originally resigned his appointment, in ignorance of the pensions law, because he considered the state of his health to be unsatisfactory. When he subsequently realised that his period of service was sufficient to make him eligible for a pension if his unfitness for service was duly certified by medical authority, he requested that his resignation might be reconsidered, and his unfitness was duly certified by a Consulting Physician to the Colonial Office. The award of a pension and gratuity to Dr Libert complied fully with the provisions of the pensions law.

The Member for the Oyo Division (The Hon. N. D. Oyerinde):

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

(a) Whether it was a fact that one Johnson Ogabor was employed under the Posts and Telegraphs Department, Ibadan, with Clearing Gang No. 153?

(b) Whether it was a fact that while in the discharge of his duties he received an injury which resulted in the loss of his right eye?

(c) Whether any compensation was given for the permanent loss of the eye?

(d) If so, what was the compensation?

(e) Whether Mr Johnson Ogabor ever applied for employment on light duties in the yard or as office messenger as preferable to a lump-sum compensation?

(f) Whether his application was considered favourably?

(g) If not, why?

Answer—

The Hon. the Chief Secretary to the Government:

(a) Yes, Sir.

(b) The facts are that in March, 1938, he sustained an injury to his right eye while in the discharge of his duty and he was treated at Ibadan hospital for a corneal ulcer of this right eye. The Medical Officer considered at that time that his future efficiency would not be affected. The man's employment was continued but on the 1st of June, 1940, he sustained a second injury to his right eye as a result of a domestic fracas. The eye later became worse and he was admitted to hospital on the 14th of January, 1941, and the eye removed. He was discharged on the 5th of February, 1941, and employed on light duty until the 23rd of March, 1941, when he was invalided under medical advice.

(c) Yes.

(d) £12 12s 0d which was the maximum he would have received if the Workmen's Compensation Ordinance had been in force at the time of the termination of his employment.

(e) Yes, but he also applied for free transport to his home.

(f) His application for employment was not granted.

(g) There was no suitable post in which he could be employed.

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

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

(a) Is it a fact that two cases of assault—one at Ebute Metta and the other at Minna—were reported during this year to the Chief Engineer, Nigerian Railway, as having been committed by Assistant Engineers on members of the African Staff under them?

(b) Is it also a fact that the victim of the assault committed at Ebute Metta had to seek medical aid and was placed on the sick list? If so, for how long was he on the sick list?

(c) What action has been taken to check future occurrences of this kind?

Answer—

The Hon. the Chief Secretary to the Government:

(a) Yes, Sir.

(b) He was placed on the sick list by a private practitioner for seven days.

(c) The officers concerned have been warned against recurrence.

MOTION

The Hon. the Chief Secretary to the Government:

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

Be it resolved: That the Report of the Select Committee appointed to consider the motion of the Honourable the Chief Secretary to the Government regarding the payment of Cost of Living Allowance, and Resolutions

and Orders under section 8 of the Customs Tariff Ordinance, 1941, and section 13 of the Excise Ordinance, 1941, which was laid on the table to-day, be adopted.

Honourable Members will recollect, Sir, that my original Resolution has four paragraphs—(a), (b), (c) and (d). (a) dealt with Government employees, (b) with teachers, (c) with employees of Native Administrations and (d) with a grant to Lagos Town Council. The Committee, Sir, has recommended that paragraphs (a), (c) and (d) be approved as printed. As regards paragraph (b), that is the paragraph dealing with teachers, the Committee has recommended that payment of this grant of COLA should be as from the 1st of October, 1941, instead of as from the 1st of April, 1942. As I have dealt with this matter very fully when I first moved this Resolution, I do not propose to speak further on the matter to-day, Sir. On the assumption that the Resolution now before this House is passed it will be necessary for me to move an amendment to my original Resolution regarding the teachers to alter the date from 1st April, 1942 to 1st October, 1941.

Sir, I beg to move.

The Hon. the Acting Financial Secretary :

I beg to second.

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

Your Excellency, it is indeed a regrettable incident that we should be called upon here at this last moment to approve sums which have been paid without any reference to this House. Personally I feel that Government has made the biggest blunder. It is true, Your Excellency, indeed you acknowledged it in your Address, that Government made a blunder.

His Excellency :

I must correct the Honourable Member. I did not acknowledge that the Government had made a blunder: I said that Government had been compelled by circumstances to act in a somewhat unconstitutional manner.

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

At any rate, Sir, if Your Excellency did not say that, I say, with all the emphasis at my command, that Government has made a blunder. They had no right to have paid anything without first referring the matter to this House. Government should have summoned an emergency meeting to receive the advice of this House before any payment was made. At any rate, Your Excellency, payments have been made and payments will continue to be made. We have approved them; we could not help but do so.

One thing I wish to bring before Government is that this war has brought hardship not only to the Government officials, not only to those who are employed by the firms, but to the general

public. If you go to the Provinces, none of the Native Administration dispensaries have any drugs, some of them even have no bandages and no cotton wool. The roads in many places are impassable. So you find all the social amenities which have been enjoyed by the public particularly the taxpayers, no longer exist, due to the war.

I am not particularly grumbling about the payment of COLA to certain sections of the people, so long as Government has decided to do that, but I say that Government should find the money. If we look carefully into the whole thing we find that it is the behaviour of Government that gave rise to all these demands. Glancing through one of the papers sent me from this House, I saw that separation allowances were allowed to Europeans whose wives could not, on account of the war, be with them. In this House we encourage young officers to get married knowing they will draw certain allowances, and so many allowances have been paid that the Africans feel "What am I getting—I must make a demand on the Government." But I say, Sir, that this war makes sacrifices necessary. We should sacrifice everything to win this war. The 1914-1918 war was a play compared with this one. Then we had our regular supplies from England, there was no restrictions on imports or restriction to buy a bicycle, motor car and so on. But this war is entirely different. So, Sir, I say that it will be most unjust for Government to introduce any measure or increase of taxation merely to find COLA. Every taxpayer is hard hit. No man can convince me that a labourer who was earning 1s 6d in peace time has more responsibility to-day than his brother who is without employment. We are all hard hit.

And also, Your Excellency, I read in your Address that the time will come when Native Administrations will be called upon to revise the salaries of their employees. I wish Government to bear in mind when that time comes, that the advice of this House should be sought. It should not be left entirely to a few and then ask us to come here and vote such a heavy amount towards the increase of salaries. Secondly, Your Excellency, it would sound very odd for a Registrar of a Court to be paid and the Magistrate sitting on the 'chair not paid. So that if you have in mind to reorganize or to adjust things in Native Administrations I say that adjustment should start from the head. Your Excellency, I need not waste your time this morning as you have already passed this.
His Excellency:

Will the Honourable Member make it clear whether he is supporting the motion or opposing it?

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

I am supporting it because I am compelled to, Your Excellency. That is why I say I will not waste Your Excellency's time because the thing has been through committee and has received approval, but these observations, Sir, are made because I feel I should be

doing myself an injustice if I should leave this House without expressing my views. I beg to support the motion.

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

Your Excellency, I am afraid I cannot escape the charge of inconsistency. I came here to oppose this motion because of the size of the bill that has to be paid. I have always advocated better conditions for those at the bottom of the scale. I think we all agree that the lower paid classes are very badly hit, and for that reason I am supporting the bill. People in the Provinces may not be quite aware of the circumstances which have led to this grant of COLA but they must have read in the Lagos papers of the tension here during the months of May, June and July. We were in the unfortunate position at the time that the Governor was an acting Officer and the Chief Secretary had just arrived in the country, and I must say that we in Lagos were not altogether satisfied with the way in which the labour difficulties at that period were handled. We felt that if they had been handled by men familiar with conditions here we might have escaped to some extent the difficulties facing us to-day. I remember I wrote a letter to the Acting Governor at the time, urging that an emergency meeting of the Legislative Council should be summoned and that the Government should seek the advice of Legislative Council before they made any further decision. Unfortunately that request was refused. I do feel, Sir, that if my request had been granted and an emergency Legislative Council had been summoned and the matter thoroughly examined at the time, although we would not have escaped the greater portion of this bill I am sure the bill would have been reduced to a great extent. That is the point I wish to make as regards this motion. I support it because, as Your Excellency has said, Government had committed itself and I am sure it could not have done otherwise owing to the circumstances it was faced with at the time. As I say, the mistake has been made and I can do no more than support the motion.

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

Your Excellency, I shall have to support the Resolution and say, in the same way as the Honourable Member for Ibo has said, that I support it because I am bound to support it. Expenditure has been incurred, and I am placed in this peculiar position. I come to this House now as an African and if I say I feel that getting this COLA right back to the 1st October, 1941, is too much, I will have the whole of the African population of Nigeria saying "Here is the Government saying we are entitled to this and one of our own people saying we are not." So I am hopelessly embarrassed, and I must support this Resolution. But one has to consider whether the Government has acted wisely. There is this Cost of Living Allowance which has taken the peculiar name of COLA; COLA having two meanings, Cola means a bribe and Cola means a vegetable food we eat. Now if one looks at Cola as a bribe we find that in Lagos there was a demand for additional

allowance; living was going up. That demand was followed by a threat to the Government. Following that threat the Government gave a Cost of Living Allowance to date from the 1st October. Well I don't know what Government would have said about it if that had happened in the Native Administration. It might have been regarded as a bribe or it might not. However, that is the position as it stands to-day. But, Sir, I would have preferred to see the Cost of Living Allowance reduced by fifty per cent and see that the grants to Leper Settlements in the provinces and to Mission Hospitals increased, because as it is to-day certain Mission Hospitals have had to close down. The hospital at Ebu Owerri has had to close down as they have no money to continue. Leper Settlements are complaining and threatening they will have to close down for lack of money. It is true that cost of living is higher; we don't deny it, I feel it myself, but as the Honourable Member for Ibo has said, there is a war on, unprecedented in history, and we have to make sacrifices. I understand that in England, when this cost of living among the labouring class was discussed they themselves agreed, although the cost of living was so much higher, they agree to reduce it themselves by twenty-five per cent, because they know what the war means. To-day we come here and say a boy getting £3 a month which was increased to £4 is now to get £6. Well, it may be alright, I am not in a position to say. Government must have probed into the matter before deciding to pay that £6 a month, and I cannot say that it is either too much or not enough, but I know very well if Government had sought my advice in the matter I might have been able to express an opinion at the time.

But, Sir, when it comes to the question of Mission Teachers, I fail to see why Government, if they are satisfied that Government and Native Administration teachers should get COLA—and I take it they are satisfied otherwise they would never have sanctioned it themselves or approved it and granted it from October 1st last year—why should they turn round and say the Mission Teachers will have their COLA from the 1st April, 1942. Why should the Government apply such discrimination. If Government is going to grant COLA to teachers then it must all be dated as from the 1st October, 1941. There is no reason why Government should discriminate.

The only argument Government could put forward is this. The Missions can afford to pay the difference. Let them pay from the 1st October, 1941 to 31st March, 1942, because these teachers are not really our servants. But the fact that Government themselves have recognized that it is not possible for the teachers to get their COLA from anywhere else persuades me that there should be no discrimination, particularly when one comes to think of it, that these teachers are teaching perhaps in the same area. You have a Native Administration school, you have a Mission school, you have a Government school—these three schools perhaps in the same

division. There you have the Government teachers and Native Administration teachers receiving COLA from the 1st October, 1942, and the Mission teacher from 1st April, 1942. I think, Sir, this will create a feeling in the minds of the Mission teachers that they have nobody to take serious interest in their work, although they hold the same certificates and do the same work, and doing work the Government should have been doing, because Education is the responsibility of Government. The Missions are only doing it for the Government. I therefore say that this House should approve that the Mission teachers receive their COLA as from 1st October, 1941.

The other point I wish to touch on, Sir, is this. Your Excellency had admitted that the measure taken for COLA was unconstitutional. There is another unconstitutional measure which baffles me, and that is that at the last meeting of Legislative Council there was a Bill—an Income Tax Bill—which was sponsored by no less a person than the Chief Secretary to the Government. It passed this House by a majority vote, I read in the Gazette that Your Excellency has not approved of that Bill.

Now, Sir, it is my tenth year in this House, and I was asked this question this morning by certain Unofficial Members "What is the procedure there. If a Bill has passed the House, can the President of the House refuse the Bill, or does the Secretary of State advise His Majesty not to give assent to it?" I was bothered myself, and I think this question should be explained because it is unprecedented as far as I know. Perhaps Your Excellency will enlighten the Honourable Members of this House of the procedure; constitutional or unconstitutional, there must be a reason for it.

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

Your Excellency, Honourable Members, I am here to talk about Native Administrations. Of course I am not aware of the salaries of the employees of the Native Administrations in Nigeria, but for the time that I have been acquainted with the salaries of employees of the Native Administrations in the Cameroons, I know that they are scanty and the people are conscious of being poorly paid. And up to this date they are still complaining that they have not received any satisfactory rate of increment for the length of time that they have served. I was very pleased when I heard that the Government had been so considerate as to provide assistance to Native Administration employees by awarding them war bonus. I would not in any way discourage it. On the other hand our position from the beginning has always been that we shared the tax money we collected in two—one part goes to the Government and the other half to the Native Administration. This fifty per cent we use for all our works and salaries, and we have also tried our best to create a reserve. This reserve was intended to help us on a rainy day, and I am very pleased that it has not gone so far that we are experiencing that rainy day. However if the

Government has been so good as to render some assistance to Native Administrations under present conditions as to the COLA which is granted, then I feel that it is well justified.

The Mission Schools have been mentioned by one of our Honourable Members. I know many people have got their education from the Missions, and most of us are complaining we are not having sufficient schools to-day because of the war, and we cannot exactly tell if money will have to be spent on schools already existing and expect a surplus. In that case I would like that Mission Schools be maintained and encouraged by subsidies. I do not like to talk about the difference between Government and Mission Schools, but I, having passed through Mission Schools, and having compared the training of people who passed through Mission Schools and those who passed through Government Schools, would be willing to say that the training of those who went to Missions are, in my opinion better than the training of those who passed through Government Schools. The Government Schools allow freedom which grow to disrespectfulness, while the Missions teach the children to be humble and respectful. A man might attain high knowledge but a bad character automatically poisons his career. Because of this I would urge that we should have more Mission Schools, but of course they must be controlled so that the result will be that the children coming from such schools will be useful to the country.

In talking about COLA, one Honourable Member mentioned that the word had various meanings, but we are only concerned with one meaning here. Regarding the conditions of living to-day in the Cameroons, we the Natives have to live on imported foods, not exempting clerks and many other people from Nigeria who reside at Victoria. We are not a manufacturing country at all, and, owing to the plantations and for many other reasons we are obliged to depend on food outside the Cameroons. And then transport breaks down. I remember two or three weeks ago the launch plying between Victoria and Calabar did not run. I myself had not any transport. I had to work very hard to leave the next week, and I am very grateful to be here to-day. Now when the canoes plying between Victoria and Calabar fail to come there for a time, all these people suffer from having their supply of yams, gari and many other things. If these people are overlooked and classed with the lower award-people they will still suffer. And again we are not having sufficient fish. Our sea allows the fishermen to fish for part of the year—November to April. The rest of the time is very rough weather, and as the people fish with lines and not with nets, they do not catch enough fish. Then, at the present time we have very few cattle coming from the hinterland. It is the rainy season, and people are not able to bring down sufficient cattle. And when these cattle do come in, the Army takes the best part of it, and there is very little left for the public. It is a very serious matter for the Cameroons' under present

conditions and I think the Government should help the people. It would be very welcome.

I have to thank the Government for their consideration in providing this little bit of COLA for the people. Not that it is much to make anyone to live as a king, as that could not be expected at the present time when everybody has to help the Empire to save it from disaster which is threatening. Sir, I beg to take my seat.

The Member for the Oyo Division (The Hon. N. D. Oyerinde):

Your Excellency, I rise to support the motion but as Honourable Members have said they have been embarrassed I am also in the same position. When the matter of Cola was broached and members from different divisions in the Oyo Province were invited to Ibadan to consider what should be done, I remember I asked a question of one of the officials "Why pay war bonus when we have a titanic war before us and we are all struggling to win?" The official said it was paid during the last war. So, it would seem that the suggestion to pay war bonus from the 1st of April last year was a matter of custom; we are doing it now because we did it before; but we are not considering the difference between the present war and the last war. Do we realise, Sir, that we are up against a very powerful enemy who organizes every section of his community with an eye single to win this war? Labour, industry, commerce and education are all so organized for the accomplishment of one purpose—winning this war. And so, Sir, when I hear that the Cola was going to be paid to some sections of our community I ask myself the question—who will pay the farmers? We always say that this country is an agricultural country; are we doing everything to help the farmers. What are we doing to help them to produce more? We need more produce, like palm kernels, rubber, corn, yams and cassava and yet we do nothing to help the producers in the way of assistance or relief. But we are going to pay Cola to a section, and, as Your Excellency has pointed out, a small section at that. Is it not right then for carpenters to come and say that they too are hard hit by the war and demand Cola, and the tailors and various men who are engaged as independent individual workers. I say, Sir, if we are going to win this war we must reorganize on a war basis; we must be prepared to sacrifice more. I fear many times, Sir, that we are not sacrificing enough. If I were a Government employee why should I, when this great war is going on, ask that more money should be paid me for the work that I am doing, when many others who are not engaged by Government are working as hard and perhaps harder. The difference is that they are unlucky for not being Government employees. We all have to face this high cost of living. I feel, Sir, that we ought to make everybody feel that a great war is on and that we must win it; but we cannot win it by arguing about salaries but by making sacrifices. And I say that sacrifices should be started from higher officials. If

Government was willing to pay Cola then the men who are going to receive it should say "No, we don't want it, we want to show Government and the people of the country we are prepared to win this war on great sacrifice." But, Sir, there is this consolation. We think it was a mistake to give the Cola. Well, we see how the mistake was made. I call it a glorious mistake, because many schools, especially Mission Schools, which are going to be benefited by the award of the Cola are supported by churches, and members of those organizations, when they know that Government teachers receive help from Government would be embarrassed if nothing was done for their own teachers knowing that their own teachers are working under the same war conditions. And with reference to the private schools not under the Missions, but organized on a non-sectarian basis, they are supported by the taxpayers of this country who would be embarrassed by not having this small sum coming to them to pay their teachers. So, Sir, though this relief is given to a small section, it will be beneficial to a larger section than was envisaged in Your Excellency's Address. Many members of churches and those people who are outside of the church but who are interested in the education of their children, would be happy and grateful to get this small amount to help them to relieve the distress among their teachers. That is why I am in favour of having the time of the commencement of the Cola for other teachers to be the same as for Government teachers. With this observation, Sir, I beg to support the motion.

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

Your Excellency, I think I should say one or two things in connection with the Cost of Living Allowance. Payment of the allowance was made, it is true, before the meeting of this Council was called, but this may be excused when all the circumstances are taken into consideration. Honourable Members and others living in Lagos know how very tense the situation was and what efforts had to be made to prevent workers taking a step which would have brought lasting disgrace on the good name of Nigeria.

The Government had, of course, taken one or two steps which, I believe, helped to bring about the difficult situation. At the beginning of the war, Your Excellency was good enough to appeal to all of us to do everything in our power to help the war effort. I listened in to Your Excellency's broadcast asking us to help by refraining from making complaints and sending in petitions, but no sooner was this appeal made than the feeling of the African Staff was aroused by the attempt by Government to curtail certain Railway privileges which the African Staff had enjoyed for about forty years. I think it would have been better had Government called together the leaders of the African Staff and explained the reasons, before taking such a step. This was closely followed by the proposal for revision of salaries and introduction of intermediate grades for the Clerical Service. This proposal created the impression that Government wanted to take advantage of the war

to do things which it would find difficult to do in peace time. I remember having the privilege of an interview with Your Excellency and advising against this proposal, but my advice was not followed.

With regard to the Cost of Living Allowance, the idea was prevalent that it was only by the use of threat or force that Government could be got to do anything. It seemed to the ordinary man that Government would not have acted had the workers not taken the stand they took. I have heard a workman saying scornfully to a clerk "Your clerks don't count, but for workmen you would not be considered at all for war bonus." Is it any surprise that, not getting a reply to their representations, African civil servants thought it wise to make hay while the sun shone by co-operating with the workers? I may here point out that there was a strong feeling that representations made by the African Staff do not receive the same prompt consideration as those made by the European Staff and the grant in the meantime of Separation Allowance to the latter had tended to add to the difficulties of the situation.

I have brought all this to notice so that Government may consider what steps to take to allay such feelings of suspicion and mistrust which do not make for peace and contentment in the country.

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

Your Excellency, as the representative of the Colony Division in this Council my first duty is to welcome you back from your recent leave of absence, and I am desired to assure you that you have returned to find the whole Colony Division still "Bourdillon minded" with "Bourdillon hats", "Bourdillon clothes", "Bourdillon shoes" and, since Your Excellency announced your decision about Cost of Living Allowance, "Bourdillon chop" is being spoken of in some parts.

This is the first time I am seeing Your Excellency to advantage since you became the Governor of Nigeria, for which I am thankful, and I hope that whatever I have to say before you to-day will be taken into consideration. I am to ask that the Chiefs in the Colony Division be given COLA on their small pay. With reference to the general award of COLA, I associate myself with the remarks of the Honourable the First Lagos Member; he has told you exactly what the position is and I personally feel that if the Government had taken the Unofficial Members of this Council into confidence perhaps there would have been a great reduction of what you are now to pay our people.

Your Excellency, the mentality of my people should be taken into consideration. It is true that prices have gone up, but not a single person can say that he is more hard hit than during the previous war. In 1914-18 prices went up but there was no restriction. I remember selling a tin of palm oil then for up to 10s. We cannot understand why there should be any restrictions on the sale

of our food now. Let everybody sell and buy as freely as possible; if we continue under the present restrictions which prevented the people from selling food openly I am afraid that there will soon be famine because already some have to buy their food in private.

Why did our people ask for COLA? It was because they were under the impression that Government can produce money without increased taxation. I have heard some of them say that Government had only to cast some iron into the fire and coins will come out in thousands of pounds; others thought that Government had only to order the printing of as large a quantity of paper as it liked and currency notes will flow out. They don't know what is behind currency rules even though I try to explain to them.

Your Excellency, rumours were also responsible for the demand of the people for high award of COLA. One of them was that the Secretary of State had forwarded a large sum of money to Lagos Government with the instruction that 5s per day be added to the salary of all Africans in Government service and that Your Excellency suppressed it, hence they refused to take 2s and demanded the 5s sent by the Secretary of State.

Your Excellency, our people are of opinion that Government is wasting money as it likes. I too belonged to that class until I became a member of this Council and made a discovery. I found out that it was all a mistake. Our people must be educated out of that idea and save you and Government officials the blame given you from time to time. My first experience as a member of this Council was that we, the Unofficial Members, had to go through the Estimates prepared by scrutinising them and examining every Head of Department until he satisfied us, item by item, as to the purpose for which he wanted that money. After days over the Estimates, we passed them and you people were free to spend what we Unofficial Members sanctioned as representatives of the whole of Nigeria. Therefore the responsibility of the money being spent by you Government officials is not yours but ours, the Unofficial Members. Again, every month a Standing Committee of Unofficial Members meet in this Hall to go through additional Estimates, and recently we so took the Chairman to task that he had to run for a higher official to save him before we passed certain items at a late hour. I was very surprised to see such small items as £1 or £2 coming before us in the Finance Committee to be sanctioned; no Head of Department could spend any money, however small, at his discretion. I remember once £550 coming before us for a new car for the Governor, with a letter to explain the necessity for it. I asked, suppose we were not satisfied and did not pass it, what then? I was told, then the Governor would not have his new car. Fancy the Governor of the whole of Nigeria having to obtain the permission of the Unofficial Members of this Council before he could ride a new car and when the people saw him in it they would say, see how this Governor is wasting or spending Government money for his own comfort. Your

Excellency, let the people be made to know that what they call Government money is their own money, a "public fund", and that Government officials are only trustees of it; that you do not spend anything out of it without the sanction of the people themselves, through their representatives, who are the Unofficial Members of this Council.

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

Your Excellency, I would like to refer to paragraph A. I am afraid this Council can do little. Government has given the undertaking and the money has to be paid. I would have been pleased if Government had come to the Council, but I agree that the circumstances were difficult. So far as paragraph A is concerned I support it. The only thing I cannot in my heart support is the rate of COLA for the period of arrears—I feel that this has not been scientifically applied but I appreciate that there were difficulties.

With regard to paragraph B of the Resolution. I support the recommendation of the Finance Committee that the arrears should be paid back to October, 1941. Government is responsible for education. Equality of qualifications, equality of responsibility justifies equality of remuneration within the same profession.

I do not support paragraph C. In my opinion the Chief Commissioners have made no case justifying that COLA should come out of central funds; they have presented no statistics justifying the claim that additional taxes cannot raise the money to pay current year's COLA.

With regard to paragraph D, in my opinion if the Northern Provinces, with a reserve of funds of £1,055,000 cannot find the arrears of COLA payments then I am sure it is hard lines for Lagos, with its small reserve of £22,000 of which £12,000 is needed as working capital. I consider that Government should grant the Lagos Council £26,000 (£11,000 for arrears and £15,000 for Government's contribution for the current year).

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

Your Excellency, I support the resolution before the House. I appreciate the step which has been taken, but I do not support the manner in which the pledge had been given. I am dealing with *the way* the pledge was given, and not with the pledge itself. The Government of Nigeria is a Fatherhood of Nigeria, and Your Excellency is an official Father representing that Fatherhood. As such Your Excellency should not have given such a pledge without consultation with this Honourable House in its fully representative capacity: because having given the pledge in that way is very likely to establish an undesirable precedent in future.

I am now dealing with the pledge *per se*. As a father Your Excellency has to consider the interests of, not one child, but *all* your children. The fact that Government servants have been given a COLA is a consolation. Government servants constitute *one*

of your children; but in my humble opinion you should consider the interests of all your children without discrimination: Government servants, teachers, nurses of both Government and Mission hospitals, Mercantile servants, Native Administration servants, and labourers of *all* recognised departments of service in Nigeria. The Government of Nigeria may not financially pay all the servants of the recognised departments of service from the Central Revenue, but Your Excellency and your Government is able legally and constitutionally to exert such an influence over those departments of service to deal humanely, equitably and justly with all their servants, and that without the least shadow of discrimination.

In the first instance, I take the case of teachers: One of the primary duties of Government is to educate the people. But the Government, as it appears, is not educating *all* the people. Therefore, those persons who have undertaken to do Government duties should be remunerated by the Government. All teachers in the Government, Mission, and Private schools, who have been officially permitted to teach, should be equally considered and granted the same privileges according to their merits.

Mission Hospitals should be considered. I have received petitions from Nurses of Mission Hospitals. I give this testimony that Mission Doctors are doing very good work to assist the Government of Nigeria to keep up the requirements of the sanitary and hygienic conditions of the people of Nigeria. All Doctors and all Nurses, Government and Mission, are contributing largely to the lengthening of the lives of the people of Nigeria. Therefore, Mission Hospitals generally should be considered, and their Nurses, in particular, should not be made an exception in this consideration of the COLA. These public servants, though in a corner, have been contributing largely to public life and are, therefore, worthy of public consideration and public remuneration: the COLA.

The mercantile department is a most important material department of service in Nigeria, and in the world generally.

"Commerce is King", remarked Thomas Carlyle, and if the aphorism was true in his day, how much more truthful and pertinent is it at the present day! Therefore, the mercantile department of service in Nigeria should give COLA to *all* their servants sufficiently and indiscriminately. It is in Your Excellency to see that justice be done in all departments of service in the whole of Nigeria.

Permit me, Your Excellency, to submit that the servants of the Native Administrations are entitled to the COLA; so also are the servants of the other recognised departments of service which have been *officially* permitted to be established and operated in Nigeria. British Justice and Humanity demand that justice be done to all and sundry. There is no reason why our Government should not grant one and the same privileges to *all* the public servants of Nigeria.

I now appeal to Your Excellency to permit me to point out that there are weak links in the grand chain of the Government of Nigeria. Your Excellency is fully aware of the fact that no chain is stronger than its weakest link. One of those weak links is that the number of the annual sessions of this Council is irregular nowadays. Last year we had only two sessions instead of four as usual; and the year before last we had two meetings.

His Excellency :

The Honourable Member is incorrect.

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

I beg to apologize; but surely we had only two sessions last year. Had we had the usual number of quarterly sessions last year, or yearly, there would be no need for Your Excellency to have given the COLA pledge so unconstitutionally, and for that tendered an apology.

His Excellency :

What periods does the Honourable Member suggest?

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

Four months, Your Excellency, during this war time; and after the war, quarterly, as usual and in accordance with the Constitution of this Honourable Council.

Another weak link, Your Excellency, is this that we have not had regular supply of the *Hansards*—the Debates—of the Legislative Council of Nigeria. This Honourable Council holds the reins of the administration of this Dependency. Therefore, the Debates of this Council should be regularly printed and published as usual. Failure or postponement of printing, publishing and distributing of the Debates of this Council during this war crisis cannot be adopted as a war measure: because in Britain which is the very seat of the war, the House of Parliament lies open day and night for the Members, to work and they do work. How much more in the Colonies and the Protectorates! We wish, Your Excellency, that our parliamentary activities during the war be printed and published to the world generally. No printing and publication of Nigeria Parliamentary Debates means no Nigerian Parliamentary activities. Therefore, the Debates of this Honourable House should be regularly printed, published and distributed now as it was done in the time of peace.

His Honour the Chief Commissioner, Northern Provinces :

The Honourable the Commercial Member has made an extraordinary proposition. He knows that it is proposed to raise the necessary revenue by a tax on certain goods which everyone who buys goods will have to pay. He considers that the "well-treated" people of the North should pay an extra 1s tax in order to pay the Native Authorities. All that may accumulate from our taxes should be taken for the same purpose. It seems to me extraordinary that a section of the population should be taxed. He then proceeded to contrast the reserves of the Northern Provinces

with those of the township of Lagos. The figure of £1,055,000 is not strictly speaking a reserve, part of it goes to form the necessary fluid cash, part goes towards helping the farmers, and the balance is for the necessary development of the Native Authorities. The comparison between this little place of Lagos and the whole of the Northern Provinces is ridiculous.

The Hon. the Chief Secretary to the Government :

It remains for me, Sir, to wind up the debate on this resolution. I agree with the Honourable the Third Lagos Member that some of the speakers have been inconsistent. They have wanted to have the privilege of having their cake and eating it. They have spoken against the resolution and at the same time have said they proposed to vote for it.

There seems to be a certain difference of opinion as to what the amount of COLA should be. Certain members suggested no COLA at all should be paid; the Honourable Member for the Rivers Division suggested fifty per cent; the Honourable Member for the Cameroons agreed with the Government rates. What the Honourable the Third Lagos Member had in mind I don't know. Possibly he agreed with an article that appeared in the *Daily Service* when there was trouble over the interim bonus: at that time the workers were demanding an interim bonus 2s a day, which is exactly double what the final award of Government has been. The writer of that article then went on to say that of course this would cost a great deal of money but that didn't matter at all! The same Honourable Member referred to a state of tension at that time. It was articles of the nature I have referred to that contributed very greatly to the state of tension, and certain sections of the Press certainly rendered no service to the community by the attitude they took up then.

As the Honourable the First Lagos Member has said, the rates approved by Government for COLA were based on the very thorough examination and recommendations of the Lagos Cost of Living Committee's Report, and I am quite sure that most Honourable Members, on thinking it over, will agree that that was the only basis on which Government could make their decision.

There were two minor amendments to which it is necessary for me to refer.

There has been criticism of Government for not having held an emergency meeting of Legislative Council before sanctioning these awards, but, as has been stated by certain Honourable Members, it was necessary that the matter should be dealt with with the utmost expedition. Had an emergency meeting been held at a few days' notice it would only have been possible for the Lagos Members to have attended, which would have been quite improper. To have summoned all the members, or given sufficient notice to enable all the country members to attend, would have required at least two to three weeks, and there was not time for that.

Those are the main points which I wished to outline. There are two minor points. One concerns separation allowances to European officers, which was mentioned twice. The first speaker who dealt with that was the Honourable Member for the Ibo Division. The impression he created in my mind was this. He had just said that there should be no taxation, that Government should find the money, and then immediately referred to the separation allowances for European officers. The impression I got was that had this separation allowance not been granted it would not have been necessary for Government to have imposed taxation. Now separation allowances for European officers come to £20,000 a year; the COLA awards as set out in this resolution which go to Africans, come to £1,178,000 per annum. The taxation measures this year will bring in £336,000. It is of course quite obvious that had that separation allowance not been granted it would not have made one particle, or at least a very small amount, of difference to the finances of this country. And one other Honourable Member referred to the allowances for European officers being given as soon as they were demanded. That is quite incorrect. The matter of separation allowances for European officers had been going on for many months, certainly prior to November, 1941.

The Honourable the Commercial Member for Lagos disagrees with paragraphs (c) and (d) of the resolution. In that he is quite consistent with the attitude he took up when the matter was under discussion in Committee. He was, however, outvoted by a majority of the members of the Committee.

I feel sure, Sir, that the real feeling of this House, and of all Honourable Members, which will be shown when it comes to taking the votes, is that they really think that Government has handled this matter extremely well. At any rate that is my opinion.

His Excellency :

Before I put the question to the vote, I should like to refer to two speeches that have been made. I should like to thank the Honourable Member for the Colony Division for his excellent contribution to the debate. We all realise that although it afforded us a great deal of entertainment there was a great deal more than entertainment behind his speech. At one point he hit the nail—and a very important nail—hard on the head. It is a fact that the general run of people in this country do not know, are not aware of the extent to which the finances of this country are controlled by Unofficial Members of this Chamber. And I am afraid that the Press does nothing to enlighten them; in fact, by implication, it very often does the reverse. The best way in which the people can be educated is by Honourable Unofficial Members of this Council themselves, and I hope they will all do their best.

Then I should like to refer to the highly irrelevant remarks made by the Honourable Member for the Rivers Division, for

which I did not call him to order at the time, because it gave me an opportunity I desired for explanation of this point. The Honourable Member referred to my refusal to give my assent to the Income Tax Bill. Well, as the Honourable Member no doubt is perfectly aware, the constitution of this country permits me to refuse my assent to any Bill which this assembly may advise me to pass. It also makes it possible for His Majesty to refuse his assent, once I have assented. Now it is obviously only in very exceptional circumstances that the Governor would refuse his assent to a Bill which had been passed by a majority of the Members of this Council, particularly when the Bill has been sponsored by Government itself. There are two circumstances in which such a course is likely to be adopted. It might possibly happen that circumstances altered in some material particular during the interval between this Council giving its advice that the Bill should be assented to and the date on which the Governor had to decide whether to give his assent or not. That did not happen in this case, although circumstances had altered materially since I first decided to put this Bill before the Council and the Bill was laid before the Council: circumstances had altered considerably in that our financial prospect had improved a great deal, and I am not at all sure whether in fact, if I had been in the country, the Bill would have come before Council at all. The other circumstance in which a Governor either withholds his assent or refuses it is a circumstance to which my attention has been called once or twice since I have presided over this Council. I have been informed on more than one occasion that it is the practice, if the whole body of Unofficials are opposed to a motion to a Bill, for the Governor not to give his assent without referring the matter to the Secretary of State. In this particular instance it is not a fact that all Unofficials were opposed to this particular Bill, but it is a fact that there was exceptionally strong Unofficial opposition; a considerable majority were opposed to it. And it is also a fact that it was well known to the Governor that a number of Official Members also were, for certain reasons, very strongly opposed to the Bill. In the circumstances the acting Governor considered it desirable to refer the whole question to the Secretary of State, and he himself advised that assent should be withheld. The Secretary of State asked me to discuss the matter with him. I did so at length, and I endorsed Sir Alan Burns' advice, with the result that assent was withheld. When I came here I found the Bill in a state of suspended animation, and I decided that I must withhold my assent. That is the history, and I am glad the Honourable Member's irrelevancy has given me an opportunity of explaining this.

The question is that the Resolution moved by the Honourable the Chief Secretary be adopted.

Resolution adopted.

BILLS

THE CUSTOMS ORDINANCE, 1942

Council in Committee.

The Hon. the Comptroller of Customs and Excise :

Your Excellency, I beg to move that the First Schedule to the Customs Bill be amended as set out in the printed list of amendments in the hands of Honourable Members. I move, Sir, that both items be amended to conform with the renumbering, and that Part II of Schedule I be further amended by the substitution of the figures (6), (7) and (8) for the figures (4), (5) and (6).

Amendment approved.

Second Schedule.

Third Schedule.

Title.

Council resumed.

The Hon. the Comptroller of Customs and Excise :

Sir, I beg to report that the Bill has passed through Committee with thirty-three amendments. 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.

(Second and Third Readings.)

THE OATHS AND AFFIRMATIONS ORDINANCE, 1942

The Hon. the Attorney-General :

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

An Ordinance relating to Oaths and Affirmations.

The Hon. the Commissioner of the Colony :

I beg to second.

Bill read a second time.

Council in Committee.

Clause 1.

Clauses 2 to 11.

Clauses 12 to 17.

First and Second Schedules.

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 Commissioner of the Colony :

I beg to second.

Bill read a third time and passed.

THE HIDES AND SKINS ORDINANCE, 1942

The Hon. the Attorney-General :

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

An Ordinance to enable the Governor in Council to make Regulations for maintaining and improving the quality of Nigerian Hides and Skins and for regulating and controlling the trade and export of Hides and Skins.

The Hon. the Director of Agriculture :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clauses 1 and 2.

The Hon. the Attorney-General :

Clause 3, Sir, will not go to Council; it affects the Northern Provinces only, Sir.

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 Agriculture :

I beg to second.

Bill read a third time and passed.

THE DOGS ORDINANCE, 1942

The Hon. the Attorney-General :

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

An Ordinance to regulate the licensing of Dogs and to provide for the suppression of rabies.

The Hon. the Solicitor-General :

I beg to second.

Bill read a second time.

Council 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 words "health officer" for the words "sanitary inspector" appearing in the definition of "medical officer of health." The necessity for this amendment is due to the fact that certain duties under the Bill should be vested in a Health Officer and not a Sanitary Inspector.

Amendment approved.

Clauses 3 to 9.

Clause 10.

The Hon. the Attorney-General :

Sir, I beg to move that clause 10 be amended by substituting the words " health officer " for the words " sanitary inspector ", for the same reasons as previously given.

Amendment approved.

Clauses 11 to 16.

Clause 17.

The Hon. the Attorney-General :

Sir, I beg to move that clause 17 be amended in two respects—

(1) by substituting the words " health officer " for the words " sanitary inspector " appearing in the third line of the first paragraph thereof,

(2) by substituting the words " valid in the area concerned " for the words " issued by the authority concerned for the current year " appearing in paragraph (a) thereof. I had better explain the necessity for the second amendment, and that is when a person is transferred from one area to another the licence remains valid for the unexpired portion of the current quarter and therefore it will remain valid in the area to which he goes. It is not issued by the authority of that area.

His Honour the Chief Commissioner, Northern Provinces :

Sir, I feel some difficulties may arise if we delete the words " sanitary inspector " entirely. In the Northern Provinces there are very few health officers, and unquestionably this Bill is going to apply to areas where a health officer does not appear for two or three weeks together. The only persons who may act under him are the authority—normally the Native Authority and it is quite impossible for a Native Authority to go asking people to produce their licences,—or a Police Officer, which is not defined, but I hope includes the Police forces of Native Authorities, or a Sanitary Inspector. Well, we have sanitary inspectors in a number of places, and it seems to me they are the people to perform this duty.

His Excellency :

Has the Honourable Director of Medical Services any comment to make on this subject?

The Hon. the Director of Medical Services :

I feel, Sir, that the Sanitary Inspector has duties which he could perform, but I have not yet visited the Northern territories and am not sure of the position, therefore I cannot do otherwise than support the Chief Commissioner.

The Hon. the Attorney-General :

Your Excellency, instead of the amendments on the printed list, I think it would be advisable to amend the Bill to include health officers and sanitary inspectors. That means I will have to re-commit clauses 2 and 10.

I now beg to move that the amendment I proposed in clause 17 should read " a police officer, a health officer or a sanitary inspector."

Amendment approved.

Clause 18.

The Hon. the Attorney-General :

• Sir, I beg to move that clause 18 be amended by inserting the words " and expenses being paid " between the words " being made " and " in accordance with " appearing in the second line of sub-clause (3). The object of that is that if a person claims relief he will also have to pay expenses.

Clauses 19 to 22.

Clause 23.

The Hon. the Attorney-General :

Sir, I beg to move that clause 23 be amended by substituting the figure " 5 " for the figure " 6 ".

Amendment approved.

Clauses 24 to 27.

Schedule.

The Hon. the Attorney-General :

Sir, I beg to move that this Bill be recommitted for consideration of clauses 2 to 10.

Clause 2.

The Hon. the Attorney-General :

Sir, I beg to move that clause 2 be amended to include the words " health officer " and " sanitary inspector " appearing in the definition of " medical officer of health ".

The Hon. the Solicitor-General :

Sir, in the definition of " health officer " this includes " sanitary inspector ", so I suggest Sir that we merely use the words " health officer " which does include the words " sanitary inspector ".

His Excellency :

Can the Attorney-General give us an explanation?

The Hon. the Attorney-General :

Your Excellency, my colleague is quite correct; the definition of " health officer " does include " sanitary inspector ". I am afraid I had overlooked that.

I shall now have to move, Sir, that clause 17 be recommitted for consideration.

I beg to move, Sir, that clause 17 be amended as I originally proposed, that is that it will read " a police officer or health officer ".

Amendment approved.

Title.

Council resumed.

The Hon. the Attorney-General :

Sir, I beg to report the Bill from Committee with five amendments. I beg to move that the Bill be now read a third time and passed.

The Hon. the Solicitor-General :

I beg to second.

Bill read a third time and passed.

THE VACCINATION (NORTHERN PROVINCES NATIVE AUTHORITIES)
(AMENDMENT) ORDINANCE, 1942

His Honour the Chief Commissioner, Northern Provinces :

Sir, I beg to move the second reading of a Bill entitled:—
An Ordinance to amend the Vaccination Ordinance.

The Hon. the Director of Medical Services :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clauses 1 to 3

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 Director of Medical Services :

I beg to second.

Bill read a third time and passed.

THE STAMP DUTIES (AMENDMENT) ORDINANCE, 1942

The Hon. the Attorney-General :

Sir, I beg to move the second reading of a Bill entitled:—
An Ordinance to amend the Stamp Duties Ordinance, 1939.

The Hon. the Solicitor-General :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clauses 1 and 2.

Clause 3.

The Hon. the Attorney-General :

Sir, I beg to move that clause 3 be amended by substituting a comma for the semi-colon at the end of item (iii) of paragraph (a) and adding the following thereto—" and substitute the figures ' 66 ' for the figures ' 65 ' in the same line thereof;". Sir, that is consequential upon clause 2, which deletes section 65, therefore the reference elsewhere to 65 should be deleted.

The Second Lagos Member (The Hon. Jibril Martin):

Sir, I would like to draw attention to the fact that that amendment should have come at the end of (a) (ii) and not (a) (iii).

His Excellency:

I thank the Honourable Member for calling attention to the mistake.

The Hon. the Attorney-General:

The Honourable Member is quite right, Sir. I therefore beg to move that clause 3 be amended by substituting a comma for a semi-colon at the end of item (ii) of paragraph (a) and adding the following thereto—" and substitute the figures ' 66 ' for the figures ' 65 ' in the same line thereof;"

Amendment approved.

Clause 4.

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 be now read a third time and passed.

The Hon. the Solicitor-General:

I beg to second.

Bill read a third time and passed.

THE NATIVE ADMINISTRATIONS (LEGAL PROCEEDINGS) (AMENDMENT) ORDINANCE, 1942

The Hon. the Attorney-General:

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

An Ordinance to amend the Native Administrations (legal proceedings) Ordinance, 1942.

The Resident, Warri Province:

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clauses 1 to 3.

Title.

The Hon. the Attorney-General:

Sir I beg to move that the Title be amended by the substitution of the figures " 1932 " for the figures " 1942 ".

Amendment approved.

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 be now read a third time and passed.

The Resident, Warri Province :

I beg to second.

Bill read a third time and passed.

THE ARMS ORDINANCE, 1942

The Hon. the Attorney-General :

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

An Ordinance to make provision for the regulation of matters relating to arms and ammunition.

The Hon. the Solicitor-General :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clause 1.

Clause 2.

The Hon. the Attorney-General :

Sir, I beg to move that clause 2 be amended by the insertion of a comma after the words " shot gun " appearing in the definition of " small-arms ".

Amendment approved.

Clauses 3 to 6.

Clause 7.

The Hon. the Attorney-General :

Sir, I beg to move that clause 7 be amended by deleting the words " of this Ordinance " appearing in the first and second lines of sub-clause (4).

Amendment approved.

Clauses 8 to 17.

Clause 18.

The Hon. the Attorney-General :

Sir, I beg to move that clause 18 be amended in two respects—

(1) by substituting " :— " for " ; " at the end of the first line of sub-clause (4),

(2) by deleting the words " of this section " appearing in the first line of sub-clause (5).

Amendment approved.

Clauses 19 to 22.

Clause 23.

The Hon. the Attorney-General :

Sir, I beg to move that clause 23 be amended by substituting the words " be paid into general revenue " for the words " form part of the revenue of Nigeria " appearing in the last line of the first paragraph thereof.

Amendment approved.

Clause 24.

The Hon. the Attorney-General :

Sir, I beg to move that clause 24 be amended (1) by printing the provisos after paragraphs (b) and (c) both in sub-clause (1) correctly inset.

His Excellency :

This seems to me to be an unnecessary amendment. I think Honourable Members would be quite prepared to leave it to the discretion of the Attorney-General to see that the provisos have the correct margin.

The Hon. the Attorney-General :

The second part of the amendment, Sir. I beg to move that clause 24 be amended—

(2) by deleting the words " of this section " appearing in sub-clause (2), wherever they appear on the list of amendments.

Amendment approved.

Clause 25.

Clause 26.

The Hon. the Attorney-General :

Sir, I beg to move that clause 26 be amended by inserting " , or in the case of a deceased European officer in the service of the Government the Administrator-General," between the words " deceased " and " naming " in the last line but one.

Amendment approved.

Clauses 27 to 29.

Clause 30.

The Hon. the Attorney-General :

Sir, I beg to move that clause 30 be amended by inserting the words " or of any Order in Council made under section 3 " between the words " Ordinance " and " or of " appearing:—

(1) in the fourth line of sub-clause (1); and

(2) in the fifth line of sub-clause (2).

Amendment approved.

Clause 31.

The Hon. the Attorney-General :

Sir, I beg to move that clause 31 be amended—

(1) By inserting the words " or of any Order in Council made under section 3 " between the words " Ordinance " and " or of " appearing—

(a) in the third line of sub-paragraph (a); and

(b) in the third line of sub-paragraph (b).

(2) By deleting the words " of this Ordinance " appearing in the fourth line of paragraph (a).

(3) By substituting the words " or in any Order in Council made under section 3 or in any Proclamation issued under section 14 " for the words " or in any Proclamation " appearing in paragraph (c).

Amendment approved.

Clauses 32 to 35.

Clause 36.

The Hon. the Attorney-General :

Sir, I beg to move that clause 36 be amended (1) by inserting the words " or of any Order in Council " at the end of the fourth line, (2) by inserting the words " or under any Order in Council " between the words " under this Ordinance " and the words " or under any regulation " appearing in the last line but one.

Amendment approved.

Clause 37.

The Hon. the Attorney-General :

Sir, I beg to move that clause 37 be amended by inserting the words " hereby repealed " immediately after the words " Arms Ordinance " appearing in the fifth line.

The object of those words is to distinguish between two Ordinances with similar names. There will be a similar amendment also for clause 39.

Amendment approved.

Clause 38.

The Hon. the Attorney-General :

Sir, I beg to move that clause 38 be amended by deleting the words " of this Ordinance " appearing—

(a) in the second and third lines of sub-clause (1); and

(b) in the second line of sub-clause (2).

Amendment approved.

Clause 39.

The Hon. the Attorney-General :

Sir, I beg to move that clause 39 be amended by inserting the words " hereby repealed " between the words " Arms Ordinance " and " while such Ordinance " in the last line.

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

Your Excellency, I move that clause 39 be deleted. Perhaps Honourable Members may not be aware that as far back as 1905 Government moved a campaign against all cap gun owners. These guns were seized and destroyed and a law passed that nobody should be in possession of a cap gun. This law has been in force for some time and I see no reason why people should be allowed now to be in possession of cap guns. We are not grateful for this free gift. I remember some years ago Major Rewcastle was killed with one of these cap guns and I dare say when His Highness the Awujale of Ijebu Ode had his accident it was with one of these things. Why should we allow them now? If Government is tired of collecting the licences let them hand over the job to the Native Administration, but I do not see why they should now be given free, Sir.

His Honour the Chief Commissioner, Eastern Provinces :

Your Excellency, the attitude of the Honourable Member surprises me. It is many years since Major Rewcastle's unhappy death, and I was not aware that a cap gun was the instrument with which he was shot. I will leave it to the Chief Commissioner, Western Provinces to take the other case. If a cap gun was used it is news to me. A cap gun with an unrifled barrel appears to me to be not in any sense an arm of such precision as to be any more dangerous than an ordinary flintlock gun, and not nearly so dangerous as that most lethal weapon, the machet, which every native carries and which is the instrument used in ninety per cent of fatalities and homicides. I myself entertain no anxiety on the score of this clause, though if any other Honourable Member from the Eastern Provinces has views on the matter I am sure Your Excellency will be glad to hear them.

His Honour the Chief Commissioner, Western Provinces :

Sir, the injury to the Awujale was caused by a man who fired a cap pistol or some similar kind of pistol at him, not a cap gun. Such pistols are subject to the provisions of the Bill.

I share the feeling of my colleague from the Eastern Provinces that the provisions of this Bill will not create any increase in danger to the lives of the people. The Honourable Member's suggestion would, I think, evoke considerable opposition from the hunters and the farmers who use these firearms for hunting purposes and for protecting their farms from wild animals. It would be very difficult indeed to impose and to enforce a complete system of licensing of cap guns and flintlock guns.

The exemption of such weapons is, I think, a welcome provision, Sir, and I am sure that hunters will be grateful for it. It is a well-known fact that there are many cap guns in the provinces but they are not used because their owners are afraid of prosecution. But now it is open to anybody to be in possession of a cap gun I am sure they will be duly grateful. I support the section.

Amendment approved.

Clause 40.

The Hon. the Attorney-General :

Sir, I beg to move that clause 40 be amended by inserting the words "or otherwise" immediately after the words "owners thereof" in the fourth line of paragraph (j).

Amendment approved.

Clauses 41 and 42.

Schedule.

Title.

Council resumed.

The Hon. the Attorney-General :

Sir, I beg to report the Bill from Committee with fourteen amendments. I beg to move that the Bill be now read a third time and passed.

The Hon. the Solicitor-General :

I beg to second.

Bill read a third time and passed.

THE WILD ANIMALS PRESERVATION (AMENDMENT) ORDINANCE,
1942

The Hon. the Attorney-General :

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

An Ordinance to amend the Wild Animals Preservation Ordinance.

The Hon. the Solicitor-General :

I beg to second.

Bill read a second time.

Council 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 Solicitor-General :

I beg to second.

Bill read a third time and passed.

THE HARBOUR DUES (AMENDMENT) ORDINANCE, 1942

The Hon. the Acting Financial Secretary :

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

An Ordinance to amend the Harbour Dues Ordinance.

The Resident, Ondo Province :

I beg to second.

Bill read a second time.

Council 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 Resident, Ondo Province :

I beg to second.

Bill read a third time and passed.

THE POLICE ORDINANCE, 1942

The Hon. the Attorney-General :

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

An Ordinance to make provision for the organisation, discipline, powers and duties of the Police.

The Hon. the Solicitor-General :

I beg to second.

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

Your Excellency, this Bill is very comprehensive and very much welcome. I would, however, like to see that provision is made so that men who retire from the Force after twenty-five years' service may receive not only gratuity but also pension. They only get a gratuity at present. It is satisfactory to see that there is provision for payment of pension to the relatives of men who may lose their lives in the discharge of their duties, this is a distinct improvement on what obtains at present.

What I should like to know is the relation between the Government Police and the Native Administration Police? We have been told that Native Administrations are an integral part of the Government and yet here is a Bill which makes no reference to the Native Administrations though they have Police Forces and Police Officers of their own. What is the relation between the Commissioner of Police and the Native Administration Police Forces? Are the Police Force of the Government and the Police Forces of the Native Administrations two distinct and separate units?

The Mining Member (Lt.-Col. the Hon. H. H. W. Boyes, M.C.) :

Your Excellency, as regards clause 35 I would like to hear some definition of "assemblies", whether Sporting Meetings—Race Meetings and the like—come under that category.

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

Your Excellency, I have gone through this Bill but have not seen any mention of leave of absence. I do not know if that is governed by General Orders.

His Honour the Chief Commissioner, Western Provinces :

Your Excellency, as regards the relations of the Native Administration police and the Nigeria police, there is no provision in the law giving the Commissioner of Police direct control over the Native Administration detachments, but in actual fact he does play a very prominent and useful part in their organisation, and in laying down courses of instruction and training for the Native Administration police and drawing up the general rules and conditions of their service. His officers in the provinces, under his instructions take a very considerable interest in the management of the Native Administration police; their advice and assistance is always at the disposal of the Native Authorities, and I may say that in most cases the Native Administration police and the Nigeria police work very closely together. In Abeokuta and Ibadan for instance there is a system whereby the Native Administration police prepare

daily crime reports which they submit to the Superintendent of Police for his information and for instructions and assistance. I think in practice the position is very satisfactory in that way, even though actually there is no provision linking the two forces together in this Ordinance.

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

Sir, would there be any harm done, if the powers exist, for the words "Commissioner of Police" to be put into the law?

His Excellency:

The relations are better defined by instructions than by the law. They are elastic and must remain to some extent elastic, dependent on the goodwill of both parties.

The Hon. the Acting Financial Secretary:

It has been suggested here that the Police should be pensionable. This law, as the Honourable Member mentioned, grants them gratuities; but it must be remembered that these personnel come under Provident Fund legislation and therefore do in fact receive pensions.

The Hon. the Attorney-General:

A question was raised, Sir, about assemblies such as Race Meetings. That type of assembly is a matter of police control chiefly regarding traffic. When the Honourable Member attends Race Meetings in Lagos he will find there is provision made by which traffic can only approach in a certain way. That is all that actually applies in cases like that, Sir.

The Mining Member (Lt.-Col. the Hon. H. H. W. Boyes, M.C.):

In that same clause, Sir, clause 35, it mentions that application for a licence to the police must be made. I don't think it is usual for a Race Club to get a licence.

The Hon. the Attorney-General:

That is the existing law, Sir, and I don't think there has ever been any difficulty about it.

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

There is one section I wish to refer to, Sir, section 32 (2) which reads

His Excellency:

Perhaps the Honourable Member will leave this until the committee stage.

Bill read a second time.

Council in Committee.

Enactment.

Clause 1.

The Hon. the Attorney-General:

Sir, I beg to move that clause 1 be amended by substituting a comma for the full stop at the end thereof and adding the following:—"and shall come into operation on a date to be notified in the Gazette".

The necessity for this amendment has arisen since the Bill has been published. Originally it was hoped that all the Regulations and Rules and Orders would be printed so that they could be brought in together, but the Standing Orders are not quite ready and therefore it is advisable to have this provision in; the Bill can then be enacted and come into force at a convenient date, and at the same time the other matters brought up to date and the whole thing brought into operation simultaneously.

Amendment approved.

Clauses 2 to 12.

Clause 13.

The Hon. the Attorney-General :

Sir, I beg to move that clause 13 be amended by inserting the word "the" between the words "George" and "Sixth" occurring in the third line of the form of oath therein.

Amendment approved.

Clause 14.

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

Clause 14 Sir. I should like the words in the third line "with the approval of a superior police officer" to be deleted, because, after a constable had served his period and has made a good character and proved his efficiency, there is no reason why his continued services should be dependent on approval of his superior officer.

I also ask that the words in the sixth line "eighteen years" should be deleted, and "twenty-five years" substituted, as for European officers. I see no reason why there should be this difference.

The Hon. the Chief Secretary to the Government :

Sir, I am afraid Government is unable to accept either of those amendments. I think it is very necessary that the words "with the approval of a superior police officer" should remain in. The Honourable Member asked why they were necessary: I would retort "why are they not necessary?" It seems perfectly clear that when anybody is re-engaged, whether he is employed by a private firm or by Government, he would require the approval of his superior.

As regards the period of eighteen years, there is of course a difference between the work performed by police constables and police officers and that performed by other civil servants. So far as I am aware, in all police forces throughout the world, the period of service for retirement before a pension or gratuity can be earned by members of police forces, is always less than for other servants because of the nature of their duties.

His Excellency :

I would venture to suggest that the Honourable Member has perhaps overlooked sub-clause (2). The period of eighteen years mentioned in sub-clause (1) is definitely to the advantage of the

constable: he is allowed to serve for a further period, but after eighteen years he can claim his discharge on giving three months' notice.

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

Your Excellency, I still feel the words "with the approval of a superior police officer" should be deleted. When a policeman has spent his life and his strength in the service, supposing his superior officer is prejudiced against him—I don't suggest that it is so—but supposing that were the case, and that policeman wished to renew his service, if the superior officer did not like the policeman he need not approve of his re-employment.

His Excellency:

I will put the Honourable Member's first amendment to the vote. The question is that the words "with the approval of a superior police officer" in the third line of sub-section (1) of clause 14 should be deleted.

Amendment not approved.

Clauses 15 to 20.

Clause 21.

The Hon. the Attorney-General:

Sir, I beg to move that clause 21 be amended by inserting the words "the Commissioner of Police or" immediately after the word "Colony" occurring in the second line of sub-clause (1).

Amendment approved.

Clauses 22 to 24.

Clause 25.

The Hon. the Attorney-General:

Sir, I beg to move that clause 25 be amended by inserting the words "or a pension at the rate of eighteen pounds per annum whichever is the greater" between the word "incapacity" and the semi-colon in the third line of paragraph (a) of sub-clause (1).

This amendment will I feel sure be appreciated by the House: its object is that when a constable receives permanent total incapacity he will receive a pension of not less than £18 per annum. As it is at present he may or may not receive such a large pension. For instance not long ago there was a case where a recruit was seriously injured. At that time he was only entitled to get a third of his salary which would be very little, therefore steps are now being taken to ensure that he will receive a pension of not less than £18 per annum.

Amendment approved.

Clause 26.

Clause 27.

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

Clause 27, Sir. I wish to move that the words "not below the rank of a Sergeant" should be inserted after the words "Any

police officer" in the first line of this clause, and I also think the words "any court" in the second line should be altered. Any court may mean a native court.

His Excellency :

Perhaps the Honourable Member will favour the House with his reasons for this amendment.

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

Well, Sir, my reason is this, it says here that any police officer may conduct in person all prosecutions before any court, and I consider it is better for a senior police officer to be asked to prosecute a case in court, especially in a High Court.

The Hon. the Chief Secretary to the Government :

Sir, quite naturally the police will send to prosecute the most competent officer they have available at the particular moment. I have no doubt that in many cases he will be a sergeant or above that rank; but there must be occasions when someone of that rank is not available, therefore it is desired to leave it quite clear that any police officer can prosecute. It might be very difficult if we inserted the words the Honourable Member suggested—there might not be a sergeant available and what is to happen to the prosecution then?

The Hon. the Attorney-General :

Sir, the amendment the Honourable Member is proposing was the law several years ago but it was found to be quite impracticable and has had to be altered, and as I have the authority to appoint anybody to prosecute the amendment will not carry us any further.

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

The position as I see it Sir, is that to-day we have a police force with quite a number of illiterate sergeants, and the present recruits who are lance-corporals are men who have actually passed Standard VI, so that a lance-corporal would be better than a sergeant.

Amendment rejected.

Clauses 28 to 30.

Clause 31.

The Hon. the Attorney-General :

Sir, I beg to move that clause 31 be amended by substituting the following for the proviso thereto—

“ Provided that any police officer for the time being in charge of a police station may enquire into the case and :—

(a) except when the case appears to such officer to be of a serious nature, may release such person upon his entering into a recognisance, with or without sureties, for a reasonable amount to appear before a magistrate at the day, time and place mentioned in the recognisance, or

- (b) if it appears to such officer that such enquiry cannot be completed forthwith, may release such person on his entering into a recognisance, with or without sureties for a reasonable amount, to appear at such police station and at such times as are named in the recognisance, unless he previously receives notice in writing from the superior police officer in charge of that police station that his attendance is not required, and any such bond may be enforced as if it were a recognisance conditional for the appearance of the said person before a magistrate."

The object of this amendment is to enable police officers in charge of Police Stations to allow an accused persons to leave the Station and return the next day where the enquiries are not completed. I might mention that these provisions correspond with the relatively recent practice in England and also they are in existence in the Gold Coast at the present time. I think this is a very valuable amendment and recommend it to Council.

Amendment approved.

Clause 32.

The Hon. the Attorney-General:

Sir, I beg to move that clause 32 be amended—(1) by renumbering the paragraphs thereof as (1) (2) (3) and (4) respectively; (2) by substituting the word "may" for the word "shall" occurring in the fourth line of paragraph (2) as renumbered, and by inserting the words "or arrested and brought" immediately after the word "summoned" in the sixth line of the same paragraph.

The object of this amendment, Sir, is to improve the law to fit in very considerably with what is actual practice, as there has always been difficulty in this section. This section is only used where the police are aware that the particular individual is definitely a bad hat or as the law provides where the premises have been used previously for receiving stolen goods. Well, it is obvious in a case like that the police do not want to have the power only to *summon* the person in whose possession the articles are found, therefore the alternative is put in that he may be summoned or arrested and brought before a magistrate. In other words if someone is found in possession of stolen property, under this section he will not be entitled to go free until a summons has been served on him.

Amendment approved.

Clauses 33 and 34.

Clause 35.

The Mining Member (Lt.-Col. the Hon. H. H. W. Boyes, M.C.):

I am not pressing this point, Sir, but I think we should understand what assemblies include.

His Excellency :

This is the existing law. Race Meetings *can* be disorderly, and even Cricket Matches.

The Hon. the Comptroller of Customs and Excise :

As the law stands at present, Sir, it is illegal to have a Cricket Match at all. Might I suggest a simple amendment, Sir—

(1) by inserting after the word " shall " in the third line of sub-clause (2) a comma and the words " unless such assembly or procession is permitted by a general licence granted in accordance with sub-section (3) ".

(2) by re-numbering sub-clause (3) and sub-clause (4) and by inserting the following as sub-clause (3):—

" (3). Any superior police officer may issue general licences setting out the conditions under which and by whom and the place where any particular kind or description of assembly or procession may be convened, collected or formed."

Then one simple notice would cover anything of that kind that might arise from time to time.

His Excellency :

It is proposed that clause 35 be amended as suggested by the Honourable the Comptroller of Customs and Excise. As the Honourable Member has explained, that would enable Assemblies which are, so to speak, generically harmless, to be covered by a general licence, removing from Cricket Matches the stigma of being described unlawful on this particular occasion.

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

Your Excellency, if this clause applies generally to the whole of Nigeria I am moving that it be deleted because if it applies generally it affects our native laws and customs and also affects the general tradition of the people. Most of our ceremonies and festivals are connected with our religion, and the people would object to strangers such as police officers regulating and conducting such festivals and ceremonies.

His Excellency :

Is the Honourable Member dealing with clause 35 or clause 37? I think the Honourable Member has really in mind clause 37.

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

No Sir, clause 35.

His Excellency :

I think the House would be grateful for some enlightenment as to whether this is the present law and if so whether any inconvenience has in fact been caused by the operation of the law; and if not what the procedure is. Is anyone in a position to enlighten the House?

His Honour the Chief Commissioner, Western Provinces :

No case has ever come to my notice in which any inconvenience has been caused.

The Hon. the Attorney-General:

This section, Sir, is simply a re-enactment of the present law.

His Excellency:

Is the Honourable Member aware of any case where any inconvenience has been caused? The Honourable Member is aware that what we are now enacting is the law at the present moment.

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

If this applies to Lagos only it is quite a different thing, Sir, but in the villages where people may conduct religious festivals it would not be a good thing for a police constable to appear to bring them under these regulations.

His Excellency:

This applies already. The Honourable Member understands that? This is already the present law we are merely re-enacting. This Ordinance, as the Attorney-General explained when moving the first reading, to a large extent is re-enacting the present law, and with practically no alterations of any importance except as regards gratuities and matters of that sort. Does the Honourable Member wish to press this?

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

No, Sir.

Amendment approved.

Clause 36.

Clause 37.

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

I beg to move the prohibition of this entirely, because 38 seems to answer the purpose already. In both clause 37 (a) and 37 (b) the punishment is that the offender shall be liable to imprisonment for one year. In one case the assembly takes place without a licence and in the other case an assembly takes place and a magistrate of a police constable stops it. If that clause were to stand it is rather hard that those who are quite innocent of holding an assembly without a licence should be punished in the same way as those who deliberately neglect to obey.

His Excellency:

Is this the existing law?

The Hon. the Attorney-General:

Yes, Sir.

His Excellency:

There is no need for me to put the amendment to the vote.

Clause 38.

Clauses 39 to 41.

Clause 42.

Clause 43.

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

I move, Sir, that this clause should read "The superior police officer in any township shall be the senior fire commissioner . . ."

His Excellency:

The Honourable Member realises the importance of the suggestion he is making. It may be a very small police section in a township and the Honourable Member is laying upon them the onus of taking charge of the fire brigade work instead of leaving it with the local authority.

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

Would a superior police officer be the Administrative Officer. I should like a definition.

His Excellency:

Yes, but he might not be resident in that particular township. Perhaps some of the Chief Commissioners could express their views on that suggestion.

His Honour the Chief Commissioner, Eastern Provinces:

At first sight I see no objection to the substitution of the words "superior police officer" for "senior European officer". I see no objection, but on the other hand I should resist the first proposal because in an outstation it might well be that a 3rd Class Constable might find himself the only police officer available at the moment, and the job of quenching a fire might be beyond his abilities.

His Excellency:

I think you might be placing an entirely unfair responsibility on an African police officer.

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

Is there likely to be any station where there is no senior European police officer, no Administrative Officer in charge?

The Resident, Warri Province:

Sir, in Burutu there is a local authority, who is the Collector of Customs, and no Administrative Officer. If you delete the words "local authority" you allow possibly a corporal of police to deal with the matter.

His Excellency:

There is a typical instance of a township in which possibly a corporal of police would be left as senior fire commissioner for the township.

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

It is a difficult question, Sir. What about the Administrative Officer who has just come out, and under present conditions he is made to act as the local authority. In those circumstances you may have a senior African Inspector of many years' service and with much more knowledge than the young cadet just arrived.

The Hon. the Comptroller of Customs and Excise :

Sir, as the matter seems to require consideration would it not be sufficient if clause 43 started towards the end of the third line with the words "The Governor may appoint . . ." and then a general appointment in similar terms to those contained in this clause would have to be gazetted. That would be sufficient.

The Hon. the Chief Secretary to the Government :

I would suggest to the Honourable the Third Lagos Member that he accept the suggestion made by His Honour the Chief Commissioner, Eastern Provinces to substitute the word "superior" for the word "European".

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

I am quite satisfied with that, Sir.

His Excellency :

As one Honourable Member has suggested, you might have a senior African Inspector who would actually be more capable of dealing with the job than a junior cadet. Then I think the suggestion is that the word "superior" should be substituted for "European".

The Hon. the Attorney-General :

Well, Sir, when you say a senior non-commissioned officer can be of more use than a junior commissioner officer that is quite correct in many cases, but I don't think we can legislate for it.

His Excellency :

I think perhaps the House would be grateful for the advice of the other two Chief Commissioners on the proposal of the Third Lagos Member.

His Honour the Chief Commissioner, Northern Provinces :

I can see no difficulty if we substitute the word "superior" for the word "European" in both the first and second lines of clause 43. As regards the cadet, he is a commissioned officer. He is in command of the non-commissioned officer, and I don't see how one could possibly expect a commissioned officer to stand aside and leave the non-commissioned officer to take control.

His Honour the Chief Commissioner, Western Provinces :

I don't think, Sir, there would be any objection to accepting the substitution of "senior superior police officer" for "senior European police officer". I think actually in practice it would work out perfectly well. I don't know whether my Resident, Warri Province, would have any objection regarding Sapele.

The Resident, Warri Province :

No objection, Sir.

The Hon. the Deputy Chief Secretary :

I think there are cases in which a cadet police officer is in fact a promoted Inspector and is a man of many years experience.

His Excellency :

The question is that the word "superior" be substituted for the word "European" in the first and second lines of clause 43.

Amendment approved.

Clauses 44 to 54.

Clause 55.

The Second Lagos Member (The Hon. Jibril Martin):

I am moving that clause 55 be deleted, Sir. I do not think it is right that no court should be able to bring action against a policeman for debt just because he is a policeman. As a matter of fact in clause 56 there is something about the Court making an order for the payment of any debt due from the police officer. I think that should not be extended to the police, and if any debt is incurred by these police officers I think the best thing is to make a different ruling to enforce among the police officers. They are taken out of the class of native servants by this clause. They are no longer British subjects if they are not amenable to the civil court of law. So I respectfully submit that that clause should be deleted.

The Commercial Member for Calabar (The Hon. W. V. Wootton):

I would like to support that amendment, Sir, because in general practice who is to know who is a constable and who is not? The African trader or European firm are not likely to know, and if credit is given and then the question of payment arises, a man can come along and say "I am a policeman; here is my uniform." It seems to me there is no equity in it at all.

His Excellency :

Is this the present law?

The Hon. the Attorney-General :

Not clause 55, Sir. This is a new clause and perhaps I should have mentioned that. Clause 54, Sir, exists to-day, so too does 56, but not 55. This clause exists elsewhere and the whole object is to get the Police out of the clutches of those who would give him credit and in that way have a hold over him to prevent him performing his duties. The object is to prevent a policeman from getting credit because if anyone gave him credit that person would have no hold over him as he cannot recover the debt. The idea is to enable the police to perform their duty without having alternative pressure brought to bear on them. I think it might be as well if we were to add as a proviso "Providing it shall not apply to any debt or liability incurred before this Ordinance comes into force". But I think it is a good thing, now that we are trying to encourage better men to enter the Force, that we should remove them from the clutches of blackmailers.

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

Your Excellency, as far as the last speaker's remarks are concerned, I am afraid a clause of this nature is just the clause

that is going to make an African policeman take advantage of traders by not declaring he is a policeman at the time he buys anything, and credit is given him in the same way as credit is given for small sums to many Africans in Lagos who run monthly provision accounts. If he does not declare he is a policeman, who is to know it? I am afraid the Police Force at the present time consists of individuals who are only too ready to take advantage of this sort of thing, and I personally support the motion that this clause should be deleted.

The Commercial Member for Port Harcourt (The Hon. F. Edmondson):

I feel myself that it is rather one sided to say to the merchants "You must not give credit to this man because you won't get your money back" unless, on the other hand you put the onus on a policeman to declare that he is a policeman, or otherwise the Police must make their own regulations to say a constable must not accept credit.

The Mining Member (Lt.-Col. the Hon. H. H. W. Boyes, M.C.):

Could this be settled by adding at the end of the Bill "if debt is contracted while in uniform".

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

I take this view, Sir. Here we have in mind, Lagos, which is a big place. But take the Provinces. A policeman goes to a trader and says "My wife has just arrived and I have nothing in the house. Can you give me credit for a tin of sardines and a little bag of rice?" Is that trader going to say "No, I can't give you anything until you pay me at the end of the month, because if I give you credit the law says you will not pay me back if I take you to court". What would be the position of the trader as against the Police? He makes an enemy right away. I think this section should be deleted.

His Excellency:

I propose to allow Honourable Official Members to vote according to the dictates of their consciences and not according to officialdom.

It has been moved that clause 55 be amended by the addition of a proviso.

It has been moved that clause 55 be deleted from the Bill.

The Hon. the Attorney-General:

Sir, I take it that the amendment would be to the effect that if clause 55 were deleted, the remaining clauses would be re-numbered accordingly.

His Excellency:

The question is, without prejudice to any subsequent alterations, that clauses 56 to 70 be re-numbered 55 to 69, and that any necessary amendments be made in cross references in other sections of the Bill.

Amendment approved that clause 55 be deleted from the Bill, and that clauses 56 to 70 be re-numbered 55 to 69.

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

With regard to the deletion of this section, does the Attorney-General propose to insert any other clause in substitution to protect the Police from unscrupulous members of the public?

The Hon. the Attorney-General:

We cannot do this at the present time.

Clauses 56 to 59.

Clause 60.

The Second Lagos Member (The Hon. Jibril Martin):

Sir, I am thinking of the responsibility which will be placed upon any member of the public if a police officer happened to call upon him to assist. I know of several cases in the provinces in which there were scuffles in the streets and some people went to the aid of the police in taking them to the Police Station; and both the people concerned and the people who assisted were charged. There have been several cases like that, Sir; the public is not protected at all. If they don't come to the assistance of the Police they will be charged, and if they do come they are numbered among the offenders. I ask for the deletion of the section.

His Excellency:

I am afraid the argument that mistakes happen on one occasion is hardly sufficient excuse for removing an almost universal law in most countries. It is not a new provision; it is in the Penal Code and a provision of the law in England and most other countries, a normal and necessary provision. It was not in the Police Ordinance before, but it is in the Penal Code.

The Second Lagos Member (The Hon. Jibril Martin):

The present attitude of the Police is that they want to see that any person is committed who is brought to the Police Station, never mind whether he is an offender or not.

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

Your Excellency, I have something to say about that. I have often seen policemen assaulting innocent people, only because they are policemen. I can well remember last year my own two boys were working together in the garden and a policeman came along, who had drunk much palm wine, and flogged these small boys. I was in town and saw the policemen dragging them along and he refused to let them go. Many of these things happen and the poor man who is not a policeman has no chance. These policemen are wicked and go against the law which is not a good thing. It must be thoroughly investigated and found out which party caused the trouble. If the policemen are simply given a free hand and can do what they like then it is not a good thing, it is just common persecution.

His Excellency :

I am afraid the answer to " What shall we do with the drunken policeman? " is rather a difficult one.

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

Your Excellency, I have one or two observations to make about section 60. I know a case where a man came to the assistance of the police and helped them to make an arrest. When that case was brought before the court it was necessary for the evidence of that man to be taken. He was called upon to go to court almost every day until the case was tried. He did not get anything at all for going to court every day. But the penalty here is £25 if he fails to assist the police, but he doesn't get £25 when he helps the police.

Amendment that clause 60 be deleted not approved.

Clauses 61 to 70.

First Schedule.

The Hon. the Attorney-General :

Your Excellency, there is a slight amendment to the second clause, by inserting the words " Commissioner of Police or " immediately before the word " Resident ". Honourable Members will remember that earlier to-day we amended section 21 by inserting the words " Commissioner of Police " to determine their appointments, and this is a similar form to fit in with the previous amendment.

Amendment approved.

Second Schedule.

Title.

Council resumed.

The Hon. the Attorney-General :

Sir, I beg to report the Bill from Council with eleven amendments. I beg to move that the Bill be now read a third time and passed.

The Hon. the Solicitor-General :

I beg to second.

Bill read a third time and passed.

THE NATIVE COURTS (AMENDMENT) ORDINANCE, 1942

The Hon. the Attorney-General :

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

An Ordinance to amend the Native Courts Ordinance, 1933.

The Hon. the Deputy Chief Secretary :

I beg to second.

Bill read a second time.

Council in Committee.

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

Sir, I wish to comment on this with regard to section 2 (a). I feel, Sir, that the time has come when these amendments should cease from the Native Courts Ordinance. This is the second amendment of this particular section. We now have another amendment. This amendment aims at giving a discretionary power to an Administrative Officer either to review or to refuse to review. What then is the position? We know very well to-day there is a shortage of Administrative Officers in the country. Very much so. How many Administrative Officers, after the enactment of this amendment, with all the duties they have to perform, are going to take the trouble to review cases in Native Courts? Very few Sir. And I can say now that in a certain division many reviews were pending while the substantive District Officer was on leave, on his return he dismissed them all as being too stale. There have been complaints about it. I am submitting, Sir, that instead of having these reviews and giving discretionary power either to exercise them or not, scrap the question of review. No legal man coming from another place can understand what is meant by a review of a judgment by somebody else who did not deliver the judgment. And the only instance which we know of when a judgment can be reviewed by another person is when fraud or gross miscarriage of justice is disclosed. Then someone else can review that judgment. Apart from that there is no need for reviews. Then why not have only appeal, or let fees be paid for the reviews and let Administrative Officers exercise that discretion in the right way. I am sure they have too much to do. But as Africans have now been appointed magistrates let all appeals go to them—two divisions have had appeals in land cases from the Native Courts taken away from magistrates and handed over to District Officers. I have been asked by certain natives "Why is it not given to the magistrate, is it because he is a black man?" And yet with all these extra work we are asking them to exercise discretion in reviews. I am certain, Sir, very few District Officers will have time to review. Why not let it be an appeal and let the magistrates receiving £600 a year do their job.

His Honour the Chief Commissioner, Eastern Provinces:

Your Excellency, I appreciate the Honourable Member's reasons, but I think that the time has not yet come when review can be entirely abolished. There are large stretches in the Eastern Provinces where the people are simple and primitive, unaccustomed to travel and unaccustomed to the elaborate procedure of Protectorate and Supreme Courts. The people themselves in those areas prefer the simple, speedy, expeditious method of review and also they know and trust the District Officers, and I think it serves a useful purpose.

In more urban areas, where appeal is the more general rule, either to a Native Court of Appeal or to a British Court, there

still remains a use for review in that if there had been a manifest injustice done the District Officer is in a position to put it right.

As to the Honourable Member's suggestion that District Officers will now take advantage of the present discretion to save themselves trouble, I do not follow him in that respect. They will, in my opinion, exercise their discretion, and refuse to review where the case is a fit subject for appeal either to a Native or British Court, but where they think justice can be secured by way of review I have no doubt they will use their powers. Should a District Officer refuse to review, the applicant can always go to the Resident, and I am confident that the Bill now before us will promote the ends of justice and the subduing of transgression.

His Honour the Chief Commissioner, Western Provinces :

As far as the Western Provinces are concerned, I should like to say the same conditions and arguments apply.

His Honour the Chief Commissioner, Northern Provinces :

We have much less review in the Northern than in the Eastern or Western Provinces, and I sympathise very considerably with all the Honourable Member for the Rivers Division has said. But in the more primitive areas there are cases where a convicted person comes into prison, and the District Officer checks his case and if he is satisfied that the conviction or sentence is wrong can release the man at once or fine him a little. There are a few cases where the reverse has occurred, where the sentence imposed by a primitive court has been ridiculously low, and in some cases it is desirable that there should be an increase, but that is an exception. The majority come to appeal in the ordinary way. I therefore support what the Chief Commissioner for the Eastern Provinces has said, but at the same time agree that the time should come before long when we can abolish review.

Enactment.

Clause 1.

Clause 2.

The Hon. the Attorney-General :

Sir, I beg to move that clause 2 be amended by substituting in paragraph (a)—

“ or, in his absolute discretion on the application of any person concerned:—” for

“ or on the application of any person concerned, in his absolute discretion:—”

The transposition of the words is to make quite clear who is to exercise the discretion.

Amendment approved.

Clause 3.

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 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 AUTHORITY (AMENDMENT) ORDINANCE, 1942

The Hon. the Attorney-General :

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

An Ordinance to amend the Native Authority Ordinance, 1933.

The Resident, Ondo Province :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clause 1.

Clause 2.

The Hon. the Attorney-General :

Sir, I beg to move that clause 2 be amended by inserting the words " either generally or specifically " immediately after the word " Resident " appearing at the end of sub-section (1) of the new section 16B.

The object of that amendment is to enable the Resident to give either general or specific instructions as to who shall sign orders by Native Authorities.

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 be now read a third time and passed.

The Resident, Ondo Province :

I beg to second.

Bill read a third time and passed.

THE NATIVE AUTHORITY (COLONY) (AMENDMENT) ORDINANCE, 1942

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 Authority (Colony) Ordinance, 1937.

The Hon. the Solicitor-General :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clauses 1 and 2.

Clause 3.

The Hon. the Commissioner of the Colony :

Sir, I beg to move that clause 3 be amended by inserting the words " either generally or specifically " immediately after the words " by the Commissioner " appearing at the end of sub-section (1) of the new section 16B.

Amendment approved.

Title.

Council resumed.

The Hon. the Commissioner of the Colony :

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 passed.

The Hon. the Solicitor-General :

I beg to second.

Bill read a third time and passed.

THE LAGOS TOWNSHIP (AMENDMENT) ORDINANCE, 1942

The Hon. the 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. the Solicitor-General :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clauses 1 and 2.

Clause 3.

The Hon. the Commissioner of the Colony :

Sir, I beg to move that clause 3 be amended as follows :—

- (1) By inserting the words " or with the knowledge and consent of " between the words " or by " and " a person " appearing in the third line of sub-section (3) of the new section 28A.
- (2) (a) By inserting " , as well as the property in the counterfoils," between the word " instruments " and the words " may be " in the fifth line of sub-section (3) of the new section 28F; and
(b) By substituting a full stop for the comma after the word " election " in the sixth line of the said sub-section, and by deleting the remaining words of the sub-section.
- (3) By deleting the words " Any such determination shall be final and binding to all intents and purposes whatsoever." , being the last sentence of sub-section

(2) of the new section 28r, and substituting therefor the following sentence "An appeal shall lie from any such determination to the West African Court of Appeal."

(4) By substituting the following for sub-section (3) of the new section 28r, appearing therein:—

"(3) If the election is declared void another date for the election shall be appointed and notified in the manner provided by section 23."

Amendments approved.

The Second Lagos Member (The Hon. Jibril Martin):

Clause 3, Sir, section 28r—"Any such determination shall be final and binding to all intents and purposes whatsoever." I am asking Your Excellency that these words should be deleted. The law as it stands gives no right of appeal to the party concerned. I think it is wrong. The decision of the Supreme Court should not be made final in a case like this. The right of appeal is a right belonging to a subject and should not be taken away from him. I am moving, Sir, that the words I have just read should be deleted and the following substituted:—

"An appeal shall lie from any such determination to the West African Court of Appeal".

His Excellency:

It is the usual practice elsewhere. The procedure is the same as regards election to the Legislative Council. The same holds good in connection with a petition against a person elected to Legislative Council—it goes to the Supreme Court, whose decision is final. Perhaps the Honourable the Attorney-General can enlighten us as to the usual procedure in England.

The Hon. the Attorney-General:

Sir, I do not know the channel of appeal there, but I do know that in some other countries it goes to the Supreme Court. These provisions were based as nearly as possible on the existing provisions of Legislative Council.

His Excellency:

Has any other Honourable Member any views on the matter?

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

Sir, I think the fact that it is so in Legislative Council should not prevent us from improving it here.

His Excellency:

Government will accept the Honourable Member's amendment.

Clause 4.

The Hon. the Commissioner of the Colony:

Sir, I beg to move that clause 4 be amended by substituting the word "each" for the word "any" appearing at the end of the ninth line of sub-section (1) of the new section 29.

Amendment approved.

Clause 5.

The Hon. the Commissioner of the Colony :

Sir, I beg to move that clause 5 be amended by substituting the word " each " for the word " any " appearing in the last line of the new section 30.

Amendment approved.

Clause 6.

The Hon. the Commissioner of the Colony :

Sir, I beg to move that clause 6 be amended by deleting the inverted commas and full stop at the end thereof.

Amendment approved.

Title.

Council resumed.

The Hon. the Commissioner of the Colony :

Sir, I beg to report the Bill from Committee with seven amendments. I beg to move that the Bill be now read a third time and passed.

The Hon. the Solicitor-General :

I beg to second.

Bill read a third time and passed.

His Excellency :

I am sure I am echoing the wishes of the Honourable Members when I say we shall hope to have fewer of these amendments in the future. Many of them are printers errors which should have been corrected before coming to this House.

THE CRIMINAL CODE (SEDITION, UNDESIRABLE PUBLICATIONS AND UNLAWFUL POSSESSION) (AMENDMENT) ORDINANCE, 1942

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 Resident, Warri Province :

I beg to second.

Bill read a second time.

Council in Committee.

Enactment.

Clauses 1 and 2.

Clause 3.

The Hon. the Attorney-General :

Sir, I beg to move that clause 3 be amended by substituting the word " of " for the words " not exceeding " appearing in subsections (1) and (2) of the new section 51.

Amendment approved.

Clause 4.

The Hon. the Attorney-General :

Sir, I beg to move that clause 4 be amended (1) by substituting the word " of " for the words " not exceeding " appearing in subsections (2), (3) and (4) of the new section 58;

(2) by deleting the words "of this section" appearing in paragraph (a) of sub-section (4) and in paragraphs (a) and (b) of sub-section (5) of the said new section.

Amendment approved.

The Second Lagos Member (The Hon. Jibril Martin):

Clause 4, Sir, section 59. The Honourable the Attorney-General in this case has not shown sufficiently the object why this particular section should be amended. It is an important amendment, Sir, and I see no reason why the present law should be amended in any way; there has been no difficulty in administering the law as it stands now, and probably it would be more than five years since any prosecution has been instituted under this section. I can say without fear of contradiction that there was no prosecution whatsoever under the law as it stands to show reason why it should be amended in a way which I consider important. There is no reason whatsoever given in the Objects and Reasons by the Honourable the Attorney-General. Your Excellency will see that there is certain intent before a man can be prosecuted under section 59 as the law stands now. It says "publishes or circulates any statement, rumour or report, with intent to cause or which is likely to cause" Now all these intents are taken away. There is no specific intent mentioned in the amendments. Your Excellency will see that to a great extent a member of the Press is entirely curtailed. I refer to one incident. Your Excellency will remember at one time immediately before the outbreak of war there was a fear on the part of the people that something was going on to the effect that Nigeria might be transferred to the Germans. It was published in the paper, and I remember we had many interviews with Your Excellency, who had to give an assurance that no such thing would ever happen. I think there are many schemes or plans of Government which do not come to light until the plan is actually before the public and unless some insight or some information is got by the Press to enable them to offer constructive criticism.

His Excellency:

I hope the Honourable Member is not suggesting there was a scheme on the part of Government to give Nigeria to Germany on this occasion.

The Second Lagos Member (The Hon. Jibril Martin):

I don't know what kind of rumour or information could cause such a breakdown as that of the transfer of Nigeria to Germany, Sir, but of course it caused alarm in the minds of the poor people, and in cases like this the Press does a lot of good. So I respectfully submit, Sir, that there is no harm in administering the law as it stands. It was not pointed out by the Attorney-General that there had been any difficulty with the Police to justify this amendment. As it is proposed any member of the Press is subject to

prosecution because if he has cause to believe that a rumour is correct and such is not the case he is asked to prove it in this way, to say that he has made all necessary enquiries. For instance, in a case where a rumour or information was published in the *London Times* and was reproduced in one of the local papers, surely one has to take information published in the *London Times* as sufficient guarantee that it is reliable news. The local paper believes it is true but has no means of verifying it. If such news is not true, and is published he will be prosecuted and he has to prove, according to the amendment, that he took reasonable measures to verify it. Well, to have to write to the *London Times* is not practicable. Then we do not know to what extent fear or alarm would be caused to the public. What kind of fear or alarm? This amendment is surely a curtailment of the liberty of the Press and I respectfully submit that this clause should be deleted and the law should remain as it stands.

The Hon. the Chief Secretary to the Government :

Your Excellency, I think the spreading of rumours which are known to be false is one of the most wicked things there are, and it is for this reason that this clause has been put in and worded as it is here before us to-day—"knowing or having reason to believe that such statement is false". Well surely, Sir, it should not be allowed either by persons or by newspapers to publish rumours which are likely to cause fear or alarm to the public; surely that should not be allowed to be disseminated throughout the country. The Honourable Member had doubts as to who was to determine what would cause fear or alarm to the public. Well that would be a matter for the Court to decide if prosecution were brought for an offence under this section of the Ordinance.

I regret therefore, Sir, that the Government is not prepared to accept the deletion of this sub-clause.

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

Your Excellency, I would sooner see the powers under this section being exercised under the Defence Regulations than to have it on the Statute Book for all time.

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

As the Honourable Member for Rivers has said, I think there is sufficient provision in the Defence Regulations to deal with matters of this kind. I quote an instance. A paper in the Provinces the other day had a report that a large number of Poles and other people from the continent had been settled in a certain province by the Government. My own newspaper quite innocently quoted that passage from the provincial paper, and I remember Your Excellency came down upon me for publishing that particular paragraph. Now we are placed under difficult conditions with the Government holding a sword over our heads in so many directions. I think the Defence Regulations give Government very wide powers to deal with the Press in any case

where the Government feels the Press has erred, and I do not see the necessity for trying to fortify the Defence Regulations by this legislation.

The Hon. the Chief Secretary to the Government :

Surely, Sir, the pen is mightier than the sword!

Amendment not approved.

Clause 5.

The Second Lagos Member (The Hon. Jibril Martin):

Clause 5, Sir. In moving the Bill the Honourable the Attorney-General pointed out that there were certain decisions of the Court where it was decided that unless the stolen articles are found in possession of the person arrested in the public streets there would be no conviction. I think if it remains like that it would be better. The amendment goes too far, Sir, and is not I believe in the common law of England. When the Criminal Code was introduced in 1916 it was provided that anyone found in unlawful possession of an article could be prosecuted without bringing the owner of the article or without even knowing the owner of the article, but this would put on trial real owners to see how they got it. It may be a thing he has had for several years when, to satisfy the Court, he will have to bring a receipt. So this is based upon suspicion; if the man is suspected of being in possession of stolen property, not owning the thing, he will be brought before the Court.

Your Excellency, my suggestion is that (2) should be deleted, and according to what the Attorney-General said in his introduction I think everything has been provided for in (1). If it remains like that there would be no necessity for me to raise an objection, but I raise this objection because if it came to Court I would say to the Court "I am only a carrier; so and so is the owner." Now it is incumbent upon the court to send for the person named and to put him on trial. At the same time unless perhaps he is found guilty that other man will not be released. So I think the Police have every means whereby they could detect any person who is to be charged if that person happens to give sufficient explanation to the Court. I think the best thing is for the Police to make further enquiries and bring that particular person to the Court, not for the Magistrate now to stop the accused and call for the other person to be put on trial along with him. So I submit that paragraph (2) which places it upon the Court to require that particular man to be brought should be deleted. Supposing that other man happened to come to Court and give another explanation that the article was got from so and so. That other man could be sent for, then the chain would be continued like that. I submit that the Police have their own Investigation Department and must satisfy themselves that there was no other person responsible before they brought the accused to Court. So I ask that paragraph (2) be deleted.

The Hon. the Attorney-General :

As I mentioned, Sir, I have had personal experience in 1915 in British Guiana. The position, Sir, is where a man goes before the Court, if he gives an explanation which might reasonably be true he is entitled to an acquittal. Now he can say in the Court that he got the articles from so and so; it may be true and it may not be true even though reasonable. The object of this particular section is to authorise the Court to make further enquiries. If the accused were discharged he could never be prosecuted again even if his statement were false. In practice what happens, Sir, is that if the accused makes a statement to the Police before going into Court the Police naturally follow it up and investigate, but if the accused does not choose to make an explanation until he is in Court the Court is required to follow it up. The matter is adjourned and further enquiries made to find out whether the story is true. The persons concerned then can come and give evidence. They are not of necessity to be charged; they are brought before the Court and evidence taken. If it is false the accused is convicted, but if it is true the accused will be discharged because he is innocent. This section is so designed that by a proper application it will be possible to trace articles through the hands of various people.

His Excellency :

But if I am in possession of a stolen watch and I am put on trial I could say I got it from the Honourable Member for the Rivers Division! Is that a reasonable explanation.

The Hon. the Attorney-General :

I would say not, Sir. The position in that case is that the watch is known to be stolen, but if you can prove an article is stolen you know the owner. This section does not apply to articles known to be stolen.

His Excellency :

It seems that it might be in the interests of the accused as well as the prosecution.

The Hon. the Attorney-General :

The example the Honourable Second Lagos Member gave of a man having had goods in his house for several years would no doubt be thought a reasonable explanation, but where a reasonable explanation cannot be given the Court must follow up the matter not just dismiss the case.

Amendment that sub-clause (2) be deleted not approved.

Clause 5.

Title.

Council resumed.

The Hon. the Attorney-General :

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 Resident, Warri Province :

I beg to second.

Bill read a third time and passed.

Council adjourned at 4.30 p.m.

Debates in the Legislative Council of Nigeria

Thursday, 10th September, 1942

Pursuant to notice the Honourable the Members of the
Legislative Council met in the Council Chamber, Lagos,
at 10 a.m. on Thursday, the 10th of September, 1942.

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.
- 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 Resident, Warri Province,
Major the Honourable R. L. Bowen, M.C.
- The Resident, Ondo Province,
Major the Honourable J. Wann.
- 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 C. R. Lockhart, C.B.E.,
Director of Supplies (Extraordinary Member).
- The Honourable G. L. Howe,
Solicitor-General (Extraordinary Member).
- The Honourable E. C. Crewe,
Postmaster-General (Extraordinary Member).

UNOFFICIALS

- The Member for the Ibo Division,
The Honourable B. O.-E. Amobi.
- The Member for the Rivers Division,
The Honourable S. B. Rhodes.
- The Member for the Oyo Division,
The Honourable N. D. Oyerinde.
- The Banking Member,
The Honourable D. D. Gibb.
- The Member for the Calabar Division,
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,
Lieut.-Colonel the Honourable H. H. W. Boyes, M.C.
- 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 Ondo Division,
The Rev. and Honourable Canon M. C. Adeyemi.
- The Member for the Cameroons Division,
The Honourable J. Manga Williams.
- The Commercial Member for Calabar,
The Honourable W. V. Wootton.
- The Commercial Member for Port Harcourt,
The Honourable Fred Edmondson.

ABSENT

OFFICIAL

- The Director of Marine,
Captain the Honourable A. V. P. Ivey, C.B.E., R.D.,
R.N.R.
- The Senior Resident, Cameroons Province,
The Honourable A. E. F. Murray.
- The Senior Resident, Sokoto Province,
Commander the Honourable J. H. Carrow, D.S.C., R.N.
(retired).
- The Senior Resident, Owerri Province,
The Honourable F. B. Carr.
- The Senior Resident, Adamawa Province,
Captain the Honourable E. W. Thompstone, 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, Niger Province,
The Honourable R. D. Ross.
The Honourable G. B. Williams, M.C.,
Commissioner of the Colony (Extraordinary Member)

UNOFFICIALS

The Member for the Warri Division,
The Honourable A. Egbe.
The Commercial Member for Kano,
The Honourable W. T. G. Gates.

PRAYERS

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

CONFIRMATION OF MINUTES.

The Minutes of the meeting held on the 9th of September, 1942, having been printed and circulated to the Honourable Members were taken as read and confirmed.

QUESTIONS

NOTE.—Replies to Questions Nos. 19, 20, 22 and 23 by the Honourable the Member for the Ibo Division, Nos. 25-29 by the Honourable the Member for the Ibibio Division, No. 43 by the Honourable the Member for the Colony Division, No. 47 by the Honourable the Member for the Ondo Division, Nos. 55 and 58 by the Honourable the Member for the Calabar Division, Nos. 66 and 72 by the Honourable the Member for the Cameroons Division, No. 83 by the Honourable the Member for the Ibo Division, and Nos. 86 and 87 by the Honourable the Third Lagos Member, are not yet ready.

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

60. Inviting Government's attention to the report on page 1 of the *Nigerian Eastern Mail* of the 16th of May, 1942, that the Gold Coast Government had appointed a Committee to deal with the selection of African candidates for appointment to higher posts in the Government service, with power to review annually the progress of African candidates on probation to higher posts and to make recommendations to the Gold Coast Government as to the advisability or otherwise of affording them further training, to select African candidates for Government Scholarships leading to appointment to higher posts and interview and select African candidates already in the service for higher posts, to ask the Honourable the Chief Secretary to the Government:—

(a) Whether it is a fact that such a Committee has been appointed on the Gold Coast by the Gold Coast Government?

(b) Whether the Government of Nigeria will kindly set up a similar Committee in Nigeria with identical or improved terms of reference, provision being made for effective African representation on that Committee? And

(c) How soon such a Committee will be set up?

Answer—

The Hon. the Chief Secretary to the Government:

(a), (b) and (c) Government is not aware of the appointment of such a Committee but enquiry will be made from the Gold Coast Government and the matter will receive consideration.

The attention of the Honourable Member is invited to the reply to Question No. 57.

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

71. How many deaths of traders travelling from Oron to Victoria by canoe due to a rough tide at sea have been reported to Government by the Police in the last five years?

Answer—

The Hon. the Chief Secretary to the Government:

The Police report that the number of deaths caused in this way during the past five years was thirty-one at Calabar and twenty-three at Victoria.

The Member for the Oyo Division (The Hon. N. D. Oyerinde):

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

(a) Whether it was a fact that in May, 1938, twenty-two boys entered the Agricultural School?

(b) Whether the terms of employment were the same as appeared in *Nigeria Gazette* No. 82 of the 9th of December, 1937?

(c) Whether one Mr S. D. Odigie who took the three years' course failed in the final test?

(d) Whether he was offered employment in the Agricultural Department in another capacity?

(e) If so, why was he not so employed?

(f) If not, why was his appointment terminated?

(g) Was it a fact that Mr Odigie asked for the return of his Examination Papers?

(h) Whether that request was granted?

(i) If not, why?

Answer—

The Hon. the Director of Agriculture:

(a) Yes.

(b) Yes.

(c) Yes.

(d) No.

(e) Does not arise.

(f) His appointment was terminated because he failed to pass the test mentioned in Gazette Notice No. 2401 in *Gazette* No. 82 of the 9th of December, 1937, and because of the unsatisfactory nature of his school reports. It was considered that he was unlikely to make a satisfactory Agricultural Assistant.

(g) Yes.

(h) No.

(i) Because it is not customary to return examination papers to pupils, and because no good purpose would be served by doing so.

MOTIONS.

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

Your Excellency, in rising to move this motion standing in my name, namely:—

“ Be it resolved:

- (a) that, in the opinion of this House, the temporary closing down of the Yaba Higher College and the transfer of the students to Achimota College and various other Departments be not put into operation, as the progress of higher education in Nigeria will be retarded by such a measure;
- (b) that necessary arrangements be made for Yaba Higher College to continue in either Umuahia or some other approved place in Nigeria,”

I wish to say at once, Sir, that no-one is more conscious than I of the necessity and condition which has rendered it necessary for Government to adopt the measure which they have adopted. But I feel, Sir, that perhaps the Government have overlooked one or two facts when deciding to adopt this measure. The Yaba Higher College is not an Institution which was received with open arms in this country. It is just starting now to gain the confidence of the people, and the measure which has been adopted by Government I feel will retard the progress of higher education in this respect: if this measure continues it would mean that parents who could afford to upkeep their children at Yaba will not be able to afford the extra expenses which this measure now entails. And I further feel that, sometime or other, this House will be called upon, at least the Finance Committee, to vote more money for certain expenditure which perhaps would not have been necessary if another measure were adopted. We have in Nigeria, Sir, other buildings, we have several secondary schools, Government Schools and Mission secondary schools, but Yaba is the only institution of its kind to-day in Nigeria, and I am suggesting, in moving this Resolution, that Government should sacrifice one of the Government colleges in place of Yaba and that the buildings of one of those colleges be used for Yaba instead of the measure which has been adopted now.

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

Your Excellency, I beg to second the motion. The measure which has just been taken in removing the Yaba Higher College from Nigeria to the Gold Coast is going to affect all the children of Nigeria. Our education is in its infancy. The Government has done much to improve it. To keep on that improvement, educational institutions which have been established by the Government to help the people should be allowed to remain in the country. If it be found necessary that any of those institutions be removed, it should not be removed to any other place outside Nigeria, but to somewhere in Nigeria—if no space is found for it in the Colony. Much that we appreciate the efforts of our sister colonies in their

educational attainments, we wish that our own educational institutions should remain with us. The fact that Yaba College has been closed down and the students transferred to the Gold Coast obviously means giving more to him who has much and taking from him who has little even that which he has. We have realised the value of education and have been trying all our best to enhance the advancement of education in this country.

Therefore, I second this motion, Your Excellency, and submit that Yaba Higher College be not removed from Nigeria to any place outside Nigeria.

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

Your Excellency, I was very much alarmed when I heard about this special subject we are dealing with, that Yaba Higher College was to be closed down, and as a result of which the students were to be sent to Achimota College. I think it is the general complaint of people in Nigeria and the British Cameroons, that education is getting further away from the people of Nigeria. In the Cameroons, where a child has to live in one place and go twenty miles to school, the parents as well as the child are inconvenienced. Now, leaving the Cameroons and coming to Nigeria for education, a child is already handicapped by the distance, and going all the way to the Gold Coast is yet a farther distance and it is this we are complaining of. That means that education is escaping instead of being captured within the boundaries of Nigeria. I beg to support this motion, and in sincerity I wish to express to this House that it will be a very heavy blow to the people of Nigeria if this scheme is carried out. I hope His Excellency will consider it and allow this Yaba College to remain here, or to have it somewhere within Nigeria, so that we shall still have somewhere we can send our children for higher education.

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

Your Excellency, I very much sympathise with the Government in the difficult conditions imposed by the war, and I am sure all Nigerians are prepared to make any sacrifices demanded of them. But in the matter of the Higher College we feel, as some Honourable Members have said, that the students should still be allowed to develop their corporate life together. It is a young institution just making its tradition and it means a good deal for the students to be separated in the way in which it is proposed to separate them.

If, as I hear, steps had already been taken to give effect to the dismemberment of the students, I hope Government will give consideration to some such arrangements as now suggested and see what can be done to bring the students together again and give them an opportunity of continuing to live their corporate life together.

The Hon. the Acting Director of Education:

Your Excellency, if it is in order I should like to answer these speeches made by the Honourable Members from a personal point

of view rather than as Director of Education. I think I can explain things more convincingly if I adopt that attitude.

I can assure Honourable Members that when I heard Yaba Higher College was going to be closed I felt it quite as keenly, if not more keenly, than any student, and I immediately did everything in my power to see if there was not some alternative by which other buildings might be obtained in Nigeria. I particularly felt the point raised by the Honourable First Lagos Member; the danger of losing the corporate life of the College which for the last nine years we have been trying to build up. That I am afraid is unavoidable; it must go. But I do not think that the College as a whole is going to suffer quite so much as Honourable Members seem to fear. Immediately I heard the news that the College buildings would have to be closed down I went to see the Director of Education and I put up alternative schemes, both of which have been mentioned here—that the College should be put into new buildings in Nigeria or that the buildings of Government College, Umuahia might be put at the disposal of the Higher College. Both these suggestions were gone into very carefully, and I did my best to urge that one of these alternatives be adopted. Finally I was convinced that neither suggestion was feasible—I was sent by the Officer Administering the Government to Accra to make arrangements for the transfer of students from the Higher College to Achimota. I should like to say here that Mr Stopford, the Principal of Achimota, gave me every possible assistance and very considerable sympathy and that he has done everything he can to ensure that the training of our students will be continued on the same lines as those in the Yaba College, and that they will not suffer in any way from the lack of laboratory equipment or for any other reasons.

I was, regretfully as I have stated, convinced in the end that there was no other alternative to the proposed move and that in the interests of the students themselves it was very much better for those taking Forestry, Agriculture, pre-Medical and Teaching courses to go to Achimota. There are advantages in this scheme, because the Agricultural Students and the Forestry Students will be working with Gold Coast Students who are taking the same subjects, and these students will eventually, when they have finished their initial general science training, come to Nigeria and complete their courses together. It may be that some of the pre-Medical students from the Gold Coast also may come to Nigeria and complete their training with our students so from that point of view the transfer to Achimota is not altogether unfortunate.

From the point of view of the corporate life of the College which we have been trying to build up, I must admit that the loss of the College buildings is very sad indeed, and I feel it deeply as Principal, but I am fully convinced, knowing all the students as I do and probably having done a great deal more than anybody

else to avoid this move, that the best has been done in the circumstances for the interests of the students.

The Hon. the Director of Agriculture :

Your Excellency, although I am not an educationalist I have in recent years had a good deal to do with Achimota, and, as part of the Committee which came out here from England to report on the working of Achimota, I went into the whole organisation of the College in some detail. I must say that I am perfectly satisfied that the students who go to Achimota will not suffer in the matter of their education or their own welfare. The Principal of Achimota is an extremely fine man, they have good buildings, they have facilities of every kind and have a good staff. I am quite sure that the Agricultural Students in some respects will probably benefit from having gone to the Gold Coast.

The Hon. the Chief Secretary to the Government :

Your Excellency, after the very clear and lucid statements by the Honourable the Acting Director of Education there is very little for me to say before the mover of this resolution replies and winds up the debate.

I would just like to say this, Sir. When it was first learned that the College would have to be closed the first thought of the Officer Administering the Government and of the Director of Education was that arrangements should be made for carrying on the work and study of the students in Nigeria. That was the first thought. Various alternatives were carefully examined and gone into, and regretfully they had to be rejected one by one, till finally it was decided that the best thing to do, from the students' point of view, was to make this move to Achimota. I appreciate that it is a temporary measure, but there it is; it is war-time as the Honourable mover has himself said, and I trust, Sir, that in view of the explanation of the Acting Director of Education he will appreciate Government's position in the matter and will agree to withdraw his motion.

His Excellency :

Before I call on the Honourable Member, I should like to say one or two things. I am very grateful to the Honourable Member for moving this motion and giving Government the opportunity of explaining the circumstances and why this move was considered necessary. The move was decided upon while I was in England, and when the news that it was going to be necessary was broken to me by the Secretary of State I was very much perturbed. I discussed the question with him and became convinced of the necessity of the move. Honourable Members will no doubt realise that this decision would not have been taken by Government if it had not been absolutely essential. I may say that at the beginning of the war, when it was obvious that buildings would be required, the G.O.C. came to me and discussed the matter and I said to him "Whatever you do, hands off Yaba". Unfortunately we have had to part with it.

Well, this is a matter which has caused us all as much perturbation as it has caused the Honourable Members who have supported this motion, and there are two things which I should like to make clear. The first, which I think has been made clear by the Acting Director of Education, is that the decision to send students to Achimota rather than to anywhere else in Nigeria was taken not as the easiest way out of a difficulty but as quite definitely the best thing in the interests of the students themselves. That was the prime factor which made us decide upon Achimota. And one more thing. The point has not been raised by Honourable Members, but I think there may be a feeling at the back of their minds that this temporary move to Achimota may have some permanent result in subordinating Yaba to Achimota and preventing Yaba from taking its proper place in the future. I would like to give my full assurance that that is not the case. It will make no difference whatsoever to our future policy. Honourable Members will remember that a Commission came out to study Achimota, and the Report of that Commission was considered by the first meeting of the West African Governors' Conference held in August, 1939. That Conference arrived at certain definite conclusions as regards higher education in West Africa, and those conclusions assigned to Yaba a very definite and exceedingly important place, including a scheme for Gold Coast students coming to Yaba. The whole object was that there should be no unnecessary duplication but that the educational resources of each Colony—the best resources—should be open to the whole of West Africa, and Yaba was given a full and important place in that Report. It was suggested that the Secretary of State should send out a Commission to discuss the details. That has been impossible. That scheme still stands as a united proposal of the West African Governors' Conference, and this temporary arrangement will make no difference whatsoever to the future importance of Yaba, and it will take its proper place in the scheme of higher education in West Africa. I can give Honourable Members absolute assurance on that point.

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

Sir, how are the students going to get their expenses; are Government going to pay?

The Hon. the Acting Director of Education:

As far as fees are concerned, those students who are paying for their education at Yaba—and I regret there are very few at present—will continue to pay the same fees. Students will not be put to additional expenditure for fees or for transport. As far as the students' personal expenses are concerned; I took up this question with the Principal of Achimota, and he assured me that the allowances required from the parents or Mission Societies who send

students to be trained at Yaba, would be adequate to meet their personal expenditure at Achimota. There will be no extra expense to parents or to students, but those who are paying their fees at Yaba at present will continue to pay those fees.

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

Your Excellency, to use a non-parliamentary phrase, you have hit the nail on the head, Sir. I feel I cannot press this Resolution. My great fear was that Yaba is gradually going to Achimota to remain, but as you have given us a definite assurance that Yaba will be returned to us as soon as conditions are made practicable I will withdraw the Resolution.

Motion withdrawn.

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

Your Excellency, I feel very diffident, Sir, about bringing before this House a Resolution of this kind, namely:—

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 these schools

which will involve additional expenditure. This House has had what I should regard as most indigestible fare thrust down its throat yesterday, and, but for the urgency of the matter I do not think I should have brought forward this motion at all, because it would appear that it requires a lot of argument to convince this House to adopt any resolution of any kind that might require additional expenditure. Having explained that, Sir, I can go forward with my motion.

I am moving this resolution because of certain disturbing revelations which came into my hands through the minutes of the proceedings of the Lagos and Colony's School Committee which met in August this year.

There is a great demand for elementary education, and there are over 200 private schools, several of which are no doubt illegal. Private schools are educating 3,000 pupils. Over a year ago a letter was addressed to the Lagos Town Council pointing out the facts and asking whether the Council would interest itself in the matter with the co-operation of the Lagos Union of Teachers about a dozen suitable school sites, with no result. At present 15,000 people are waiting to be educated, and Lagos Town Council gives no help. This is the position, Sir, that there are 15,000 children of school age in Lagos who have no educational facilities placed at their disposal, and the point I want to emphasise is that but for the private schools, instead of 15,000 of school age not being provided for, we should have had 18,000.

I know, Sir, there is a lot of difficulty about working out ways and means by which private schools should be assisted. The matter was brought up at a meeting of the Board of Education early this year, and one of the objections raised was that in the case of

schools, under the Missions the Government would be giving assistance to institutions and that if Government were to give assistance to private schools it would be putting money into private individuals' pockets and not the proper thing for them to do. Well, that argument may sound all right, Sir, but this is an exceptional case. Some people seem to have an idea that the private schools are merely being run for profit. I know of a number of private schools, and I know the owners have no means at all of making any profits out of them; nothing but what they charge in fees. The private schools in this country have no other source for maintaining those institutions except the money which they derive from fees, and Your Excellency is aware, Sir, that no private school owner would dare to raise his fees to such a height as to enable them to make profit.

Another thing, Sir, that has made me feel this resolution should be brought was a strong letter of appeal which I received from the teachers. I don't know what the experience is of Official Members of the Council, but I think it has become a daily event with me, I keep on being bothered day after day by various people who want war bonus. I don't think there's a single day when I don't get a letter saying "What are you going to do about Cola?". There is the Stewards Union, the Messengers Union. His Excellency:

And the Printers' Union?

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

But of all these, Sir, I don't think any has made such a strong appeal as that from private school teachers. I will no doubt be told that if these private schools were brought up to the required standard of the Code Government might consider assistance, but the difficulty is that they are unable to bring their schools up to required standard because they have no resources to do so, and I think it would not be too much to ask that Government should provide resources to enable them to do so. I have been reading through the regulations made under the Education Ordinance of 1933, a very long thing, and I began to wonder how any schools were able to get a grant at all. But there is a paragraph which I think would enable Your Excellency to act, and that paragraph is 56 of the regulations, which provides that, notwithstanding all the various rules and regulations made as regards the giving of grants to schools, Your Excellency can in special cases give grants to schools to enable them to pay their expenses not exceeding the actual expenditure of the school. If there is nothing that Government will do I think they would be helping greatly if they undertook the payment of the teachers of these schools, then it would not be a question of Government putting money into the pockets of the owners, but would ensure that those who teach in private schools are paid regular and reasonable salaries in order to maintain themselves. As I have said before Sir, we have 15,000 children in Lagos of school age not going to any school,

and also there are 3,000 children being educated in private schools. I feel Sir, that any group of people who are doing this good work in the community ought to have some consideration from the Government. I know it is a very difficult thing to bring any measure of this kind before this House at this time, after the very heavy vote which was passed yesterday, but I am perfectly certain that having given this explanation I will win the sympathy of this House towards my resolution.

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

Your Excellency, in seconding this motion I do so with a sense of preparation and responsibility. At the outset I must say that we appreciate very much the magnificent and generous attitude Government has taken now with respect to non-Government schools. But for the war that has militated against the full development everything would have been satisfactory by now. I furthermore appreciate the personal effort that Your Excellency has exerted by personal contact and by several communications with the Secretary of State on this score. But, Sir, I second this motion and in doing so I desire to analyse my reasons.

First there is the part played by the private schools in the education of this country. For the purpose of representation I will use Lagos as a sample, but I leave this Honourable House to generalise as to the position of the whole of Nigeria. As has been stated, statistics from the Education Department show that in 1937, 14,000 children were accommodated in Lagos schools, both Government and private schools, and in 1942, this year, 18,000. Of these 18,000, 3,000 are provided for by private schools. That, Sir, is sufficient to impress the importance of the private schools, the magnificent work that private schools are doing for the state. And it would be a great dis-service on our part, or on the part of the State, if these private schools are not recognised and provided for. They are great assets in this country.

The next point, Sir. It has also been said that only forty per cent of the children within school age are provided for. The position is very sad. Who is to provide for the remaining seventy per cent? The country is just coming to life and must accept this responsibility for educating the children of this country, and private schools have stepped in to do their share. For that reason, Sir, I feel that private schools should be encouraged. After all, what is the definition of private schools? To my mind private schools are schools not maintained by the Government. In the Memorandum from the Colonial Office in 1933 it is definitely stated, something that goes to substantiate policy, that private schools are schools not run by Government. The Memorandum deals with grants made to schools under private management, of which the schools conducted by Christian Missions are at present the most numerous. In this Memorandum, Sir, it is definitely stated that the Mission Schools are private schools. And I just want at this juncture to say that private schools are sub-divided

into three classes—the Mission Schools or private schools owned by Christian Missions, private schools owned by groups of people or committees and private schools owned by individuals. Government has been sponsoring the cause of private schools owned by Missions, and I know for certain also that Government has been subsidising certain of the schools under the second category, private schools owned by groups of people. But this discrimination, Sir, by the Government of giving every assistance to private schools owned by groups of people and Mission agencies is just the purpose of this resolution, to dissolve that, and when that is done, for Government to assist *all* private schools, because after all they are doing similar work. I want to see all private schools assisted by the Government. I know that involves financial commitments, but a way should be open at this time to help these schools. There are certain arguments that private schools should not be supported because they are run for private gain. That is supported by the same Memorandum from the Colonial Office which states that private schools which are run for private profit should not receive aid from public money. I quite agree with that, Sir. But if bodies like Christian Mission organisations are completely unable to maintain their schools without assistance from the Government it seems to me unreasonable and fantastic to say that unorganised bodies of individuals could run schools for profit. Private schools send in returns to the Education Department showing the sources of their revenue. Those are examined and scrutinised. If there is anything wrong about them they run the risk of being closed down. Private schools are inspected by the Education Department as to the qualification and character of the members of the staff; their text books are approved before use; the number of children in each class must be in conformity with required standard; every teacher must be registered; the methods of teaching examined and criticised. Everything possible is done therefore there is no risk whatsoever of them exercising their profit making capacity. I feel therefore that unless any proof is forthcoming that these schools, Sir, are run for profit, all private schools should be supported.

There is another point, Sir. Another element of disqualification urged against private schools is that there is no permanence in private schools, especially those owned by individual proprietors. The proprietor may die and the school ceases to exist. I think there is argument in that, but as the mover of this motion has said, any assistance of money should be given to the teachers, so if the proprietor dies and the school ceases there will be no loss. I want to say further that it will be the job of these private schools and individual proprietors to convert their proprietorship in order to retain permanency. And I also want to say, Sir, that the lack of permanence and solidity in these private schools is due to the fact that they are not financed. If these schools are subsidised then there will be permanence and solidity. Also, permanence should not be the criterion, because after all Government do not

guarantee this at the training college at Warri or the Government College. There is no permanence there, Your Excellency.

Government has evinced great interest in private schools, but there has been discrimination, and I respectfully press the Government to sympathise with the private schools not run by Missions or by groups of people but by individual proprietors. And if schools run by individuals are in any way a condition working against Government giving assistance, I suggest that they could easily be converted to suit the requirements of the Government. There is only one item lacking—finance, and if Government say there is no money that is no argument why Government should not support and finance private schools. This is the time when we should try and help private schools because they are doing magnificent yeoman service to the state. After all, education is the first duty of the Government, and here we have private schools working for Government, therefore Government should assist private schools to carry on that work.

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

Your Excellency, this is a very important motion affecting as it does education which we all consider a paramount matter to the community. The question of private schools not being supported by Government is a sore one with members of the public. To my mind, the criterion in this matter should be whether or not private schools are doing a national duty? They are educating more than fifteen per cent of the children attending schools in Lagos and Colony districts and when you consider the results of their work—some of their former pupils have held and still hold the office of Magistrates and many are holding important positions to-day—it cannot be said that they are not doing their bit quite as well as the Missionary bodies whose schools are being subsidised by Government.

It has been said that, generally, the efficiency of these schools is not high: this is due to lack of adequate funds with which to carry on. As a result of this handicap they are unable to engage as highly qualified teachers as other schools, but if Government give them financial support, I am sure they will engage better qualified teachers, attain the efficiency required and hold their own quite as well as the other schools.

I trust the House will consider these points and give its support to the motion before it.

The Member for the Oyo Division (The Hon. N. D. Oyerinde):

Your Excellency, I rise to support the motion from the point of view of one who lives in a town of some 75,000 people with two schools of Standard VI grade. We realise, Sir, the great benefit that we derive from Mission schools. We feel that the Missions have been doing us a great service by establishing their schools; they are our benefactors. But, Sir, when you consider a town of about 75,000 inhabitants having only two schools of Standard

Six grade—one belonging to the Mission and the other belonging to the Native Administration—we see, Sir, that the educational need of that one community is very great. If the people realise their needs, and they know that Missions can only satisfy a little of what they require educationally and if they start to do some of those things for themselves, I think, Sir, this is a spirit of self-help, and not a spirit founded on the principle of 'not doing for yourself what you can get others to do for you.' But when they go ahead to start to establish a school to supply some of the necessary needs I think, Sir, they should receive every encouragement from Government. There is, Sir, one feature of private schools which must be commended and should not be overlooked, and that is they do not proselyse. When a Mohammedan goes to a private school he does not feel that a trap has been set to make him a Christian or to embrace any other religion. Those who attend these schools, Sir, do not think of themselves in terms of their differences in religion, but they think of themselves as members of one community. So, Sir, this spirit of unity which you find in private schools should surely be encouraged by Government. The motive, Sir, as has been pointed out, is not for profit but to make good and industrious citizens who will be able to contribute towards the progress of their community. The people tax themselves very heavily to operate these private schools. Take the example of a bush town where there is no school at all. A young man who was engaged in trade or in a Government position at Lagos returns to his home town, and finding there a low state of education he calls his friends together and deplores their educational condition. He may promise that if they start to remedy this situation he will pay the salary of a teacher for five years. Sir, we have had that example, and that was how many private schools started. I call it a patriotic spirit and this spirit of patriotism should be directed and guided by Government into the right channels. The Missions are benefactors, Sir, and through them we have been able to receive help from Government which perhaps we might not have received. But those people who are running private schools in the Provinces do not want to feel that they must go through Missions as an intermediary to obtain help from Government. They feel that they have been disinherited if they cannot go directly to their own Government to ask for assistance.

And so, Sir, from this point of view I appeal to Your Excellency that private schools should not be discriminated against by Government and that plans and programme should be forthcoming to see that these private schools are conducted in a way that would be acceptable to Government and in a way that would enable Government to render them necessary assistance.

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

Your Excellency, I should like this House to know one of the chief reasons why there are private schools in the Ibo country.

The Missions have done everything possible to reduce illiteracy, but you find that in every village there are hundreds of children who cannot get entrance into these Mission Schools, not because they refuse entrance but because there is no space for them. In one area the people had to meet on one occasion and urge on some of the school teachers to resign and to see whether they could not open private schools. And so private schools have been opened and we still want more private schools opened in the hinterland. Unfortunately, Your Excellency, our Native Administrations are very poor indeed; if not we would have asked them to open schools. And secondly, Your Excellency, we have one difficulty, and that is that after these boys have left their elementary schools they find it impossible to gain entrance into either Umuahia or secondary or Grammar schools, simply because they have come from private schools. That is one of the chief reasons why we urge on Government so much that they should allow Umuahia College to remain. Your Excellency, I want Government to realise that these private schools are making no profit. I have assisted one or two schools by collecting something towards the upkeep of their schools. In my own town I was so much in sympathy with little children who have to go down to the C.M.S. School about a mile off that I had to apply to the Government for a small school to be opened in my compound. That school is still functioning and I am responsible alone for the payment of the teachers. The parents pay no school fees because they cannot afford it.

For that reason, Your Excellency I beg that Government should assist these private schools. If Government has any doubt as to the way the money would be used by the owners of schools they could hand it to the Resident of every province. He, through the Education Officer, would be able to distribute the money in the best possible way.

The Commercial Member for Calabar (The Hon. W. V. Wootton):

It seems to me that this question is far too complicated to be decided now, or it seems so to me at any rate. On principle I feel I cannot at the moment support this motion, because, although I agree there is still much to be done and much to be desired to improve the education of Nigeria, I feel quite certain in my own mind that one way that should not be taken is the financing of private enterprise. If Government once accepts that principle I can see at no distant date that the commercial firms will be putting forward a motion, if they made a loss the previous year, expecting the Government to give them a profit on their losses.

I think that the remedy is to have more Government schools or more Mission Schools, and not try and improve the educational standard by way of private enterprise, because there are bound to be so many abuses. I am sure it would not benefit these children, and at the right time, if it is in order, I would like to move an amendment to the motion that the whole question be referred to a Select Committee for consideration.

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

Your Excellency, I rise to support this motion. In supporting it I shall give a very short story which I read some time ago. There was a little boy whose parents sent him to school; and shortly after, the parents died. The boy had no other person to support him continue his education. Being worried under such a disappointment, he, one fine morning, attended a Sunday school. There he was given to know about a certain man who was sympathetic, kind and helpful to poor, distressed, helpless people. According to the story, the man was a king whose kingdom where he lived was not hard by. The name of the king was Jesus and that of his kingdom was Heaven.

At the close of the Sunday school the boy returned to his home. He decided to address a petition to His Majesty, King Jesus in the Kingdom of Heaven. He did so and in the petition, he disclosed his sad plight; and finally he appealed to His Majesty for help with which to continue his education. He addressed an envelope to Jesus in the Kingdom of Heaven. The petition was put therein, stamped and posted.

While handling letters in the post office that particular envelope was brought to the notice of the Postmaster. The department did not understand how to direct that letter to the Kingdom of Heaven. It was submitted to the Postmaster-General for his discretion. The Executive Council of the Government met, opened that petition and read it. A decision arrived at was to hand over the petition to a body of Missionaries for immediate action. On a report and recommendation from the Mission, the Government, in sympathy, granted scholarship to the petitioner. The orphan was thereby thoroughly educated and made a very useful servant of the state.

Your Excellency, the question of education in our midst is a unique question of paramount importance. Schools opened by either private individuals or organised bodies in Nigeria serve as a city of refuge and an orphanage for helpless and poor children of Nigeria, and loyal citizens of tomorrow at that. In and through this motion it follows that the spirits of Nigerian children have petitioned and are even now petitioning to His Majesty the King Jesus who is in Your Excellency's Person, and whom Your Excellency does now represent. Those children represent all Private Schools in Nigeria. You, Jesus, occupying the throne now in your kingdom of Heaven which is the Government of Nigeria, have received an appeal to-day from those young and innocent representatives for redress of the grievances of Nigerian Private Schools and for liberal relief of both the schools and the pupils.

Proprietors of private schools in Nigeria have realised that the need for education in Nigeria is very acute, burning and urgent. Evidently the proprietors and the teachers as well have tried to remedy the situation and to bridge the gulf. I have received petitions from them time and again to present their case to Your

Excellency. I have paid visits on many occasions to these schools, including those others which have been receiving the blessings of Your Excellency's recognition and assistance. The efforts exerted by these private schools have contributed greatly towards the good and educational attainments of Nigerians generally. The self-sacrifice made thereof by those proprietors and their teachers is real, actual and noteworthy. I fail to see where these schools are established solely for profit making; nor do I know why they are so suspected and charged. Granting that those schools are of profit making concern, is it wrong to encourage and support a profit making venture which is made in the interest of and to benefit a people? Do not good Governments—with ours inclusive—give reasonable financial support to institutions of profit making nature? I do not know, Sir, of any establishment, institution or organisation which does not originate from the motive, purpose, or aim of profit making of some kind or some nature. I am submitting, Sir, that our private schools have constructively and constitutionally contributed towards the interest of education in Nigeria. I am convinced that they are a real necessity on the land for the people's welfare. Therefore, necessity being the mother of invention and the people's welfare being the supreme law, it follows naturally as a primary duty of Government to invent the means of shouldering in entirety financial responsibility of private schools.

I am sure Your Excellency is convinced of the pertinency and appropriateness of this motion. While supporting the motion I am appealing to Your Excellency in the capacity of that Jesus to cherish in your heart the best interest of Private Schools, and to shower down from your Kingdom of Heaven financial blessings upon those schools: because

Down in the Nigerian's heart
Crushed by Ignorance and Illiteracy,
Intelligence lies buried
Which education can restore:
Touched by Grants-in-aid,
Wakened by Finance,
Ability which was suppressed
Shall be in action all the time.

I leave the rest into Your Excellency's hands and thank you for the patience.

His Excellency:

The Honourable the Commercial Member for Calabar has moved that this Resolution be referred to a Select Committee. That suggestion has not yet been seconded.

The Second Lagos Member (The Hon. Jibril Martin):

I beg to second.

I am quite sure in my mind, Sir, that as far as the Government is concerned the question of education is a sore point. Already we know that the Government is supporting private schools, but

under certain conditions. In moving this motion it must not be assumed that the mover is only moving it in respect of the schools in Lagos. I think the Lagos schools are only brought in as an example. But, considering the policy of Government and considering the fact that it embraces the whole of Nigeria, I think this is a matter in which the resolution brought to his house just a few days ago will be able to clear all the complications there are in the whole matter. I am impressed by the contribution made by the Honourable the Commercial Member for Calabar, because there are many things that need enquiring into before Government sees a way to change its policy. A private school has been defined in one of the speeches as a school not run by Government, and there are many schools supported to-day not run by Government but by Missionary bodies. I think these Missionary bodies are supported because they are schools run on a sound basis. One Honourable Member mentioned the fact that there appeared to be no permanence in a school run by a private individual. I think that is an important point. And another point, the private individual perhaps would not run an educational institution if he is not convinced in his mind that there is some profit in it. But so far as I am concerned, and knowing as I do the work of education, I know many schools are run at a loss, but that cannot be said of all the schools run by private individuals. Therefore I agree that this matter be referred to a Select Committee, because it is a matter which concerns not Lagos alone but the whole of Nigeria, and that Select Committee having gone into the whole question, will be in a position to report to this House whether the policy now followed by the Government should be altered. So I respectfully second the motion of the Honourable the Commercial Member for Calabar that this matter be referred to Select Committee.

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

Your Excellency, I rise to support the amendment, for the simple reason that I find I would not be able to vote one way or the other if a division is called for. Looking out here I see a number of school children. I don't know whether they all come from private schools, but I do think that this question should be considered by a Select Committee.

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

Your Excellency, I appreciate that it is a complicated matter, and what I really wanted this morning is to get this House to accept the principle, because I know that when it comes to working out details it is bound to be a complicated subject, and therefore I accept the amendment.

His Excellency:

I think Government is now prepared to accept the motion before the House, but before we close the debate I will ask the Honourable the Acting Director of Education to answer the points raised.

The Hon. the Acting Director of Education :

Your Excellency, I should on principle oppose the resolution made by the Third Lagos Member to give grants-in-aid to private schools, but I think there is considerable difference of opinion as to what is meant by the term private schools. One Honourable Member has divided them into three divisions—schools maintained by Mission societies, by representative groups or bodies, and by private individuals. It is the last type of school, conducted as a private business venture, which I do not consider eligible for a Government grant. I think it would be a dangerous principle if a private business enterprise—either in the field of education or of any other business activity—should be subsidised by Government. This opinion is clearly expressed by the Colonial Office Advisory Committee on education in a memorandum published on grants-in-aid, in which it states that schools run for private profit are not included in its recommendations for grants. It is quite possible that schools of this type do not make any profit apart from a salary for the proprietor, but I think they must be treated as private business concerns. If the recommendation put forward by one of the Honourable Members, that they should qualify for grants, were accepted, I believe the number of private schools would immediately increase, but I do not think the efficiency of education would be increased very much. This memorandum to which I have referred also goes on to state that voluntary educational efforts by Mission agencies or other agencies should receive support by grants-in-aid, if they conform to the general principles laid down. At present the voluntary agencies which do receive grants-in-aid are controlled by Missionary Societies, or are institutions which are in some cases entirely under African control, or are groups of representative individuals. The Director of Education has always given very careful consideration to any scheme put forward by any group or responsible body which shows that it is able to maintain and continue its educational efforts and is not dependent on the spasmodic enthusiasm of one or two individuals. There are so many of these spasmodic efforts in this country which lapse after a very short time. A scheme of educational development is at present under consideration by Government. If it is accepted in its entirety it will mean enormous expenditure on the education of this country, but however much money is voted, it must be expended for the benefit of the country as a whole, and should not be used to subsidise private ventures. Any representative body which puts up for consideration a scheme for starting and maintaining a school, which will conform to all the regulations laid down and has every prospect of permanency, will receive very careful consideration for grants. But personal educational enterprises which are in fact commercial enterprises cannot be considered in the same category. If they were it would be a most dangerous precedent and would not help the progress of education in any respect. If a sub-committee is appointed to

discuss this question as has been suggested I think it would be possible to go into these questions informally in more details. So many different points have been raised by Honourable Members that it is rather difficult to deal with them all at the same time.

One point however I should like to deal with, and that is the statement that some people seem to consider that Mission Societies are more favourably treated than other voluntary educational bodies. That is not so. The Missions have been established here for a long time and because of the educational work they have done, they have already received recognition. Any other body which makes an application for grants for education has to guarantee its *bona fides*; once the Director of Education is satisfied that the proposals put up by such a body have the support of representative people and that efficient control and continuity can be maintained I am quite sure I am voicing the opinion of the substantive Director of Education when I say that any such proposal would be carefully considered. Applications for financial assistance from a responsible body are bound to take precedence over those made by private individuals who are making a living, or trying to make a living, out of private schools. However efficient such a school might be I do not think it can possibly be considered for grants-in-aid from the Government.

Resolution referred to a Select Committee of the Council.

ADJOURNMENT

The Council adjourned at 11.30 a.m. sine die.