



NIGERIA

Legislative Council  
Debates

FOURTH SESSION

*12th, 13th, 14th, 15th and 16th September, 1950*

# Debates in the Legislative Council of Nigeria

Tuesday, 12th September, 1950

Pursuant to notice the Honourable Members of the Legislative Council met in the Council Chamber, Lagos, at 10 a.m. on Tuesday, the 12th of September, 1950.

## PRESENT

### OFFICIAL MEMBERS

- His Excellency the Governor,  
Sir John S. Macpherson, K.C.M.G.
- The Chief Secretary to the Government,  
The Honourable H. M. Foot, C.M.G., O.B.E.
- The Chief Commissioner, Northern Provinces,  
His Honour Captain Sir Eric Thompstone, K.B.E., C.M.G.,  
M.C.
- The Acting Chief Commissioner, Eastern Provinces,  
His Honour Commander S. E. Johnson, R.N.
- The Acting Chief Commissioner, Western Provinces,  
His Honour P. V. Main.
- The Acting Attorney-General,  
The Honourable A. Ridehalgh, K.C.
- The Financial Secretary,  
The Honourable E. Himsworth.
- The Director of Medical Services,  
Dr the Honourable G. B. Walker, C.B.E.
- The Development Secretary,  
The Honourable C. J. Pleass, C.M.G.
- The Director of Education,  
The Honourable R. A. McL. Davidson, C.M.G.
- The Director of Agriculture,  
The Honourable A. G. Beattie.
- The Director of Public Works,  
The Honourable R. W. Taylor.
- The Commissioner of Labour,  
The Honourable A. H. Couzens.
- The Commissioner of the Colony,  
The Honourable E. A. Carr.
- The Senior Resident, Kano Province,  
The Honourable B. E. Sharwood-Smith, C.M.G., E.D.
- The Senior Resident, Calabar Province,  
The Honourable C. J. Mayne.

The Resident, Ondo Province,  
The Honourable T. B. Bovell-Jones.

#### UNOFFICIAL MEMBERS

- The Member for the Colony,  
The Rev. and Honourable T. A. J. Ogunbiyi, O.B.E.
- The First Member for the Western Provinces,  
The Honourable A. Obisesan, O.B.E.
- The First Lagos Member,  
Dr the Honourable I. Olorun-Nimbe. ✓
- The Emir of Gwandu,  
The Honourable Yahaya, C.M.G., C.B.E.
- The Emir of Katsina,  
Alhaji the Honourable Usuman Nagogo, C.B.E.
- The Oni of Ife,  
The Honourable Sir Adesoji Aderemi, K.B.E., C.M.G.
- The Attá of Igbirra,  
Alhaji the Honourable Ibrahim.
- The Emir of Abuja,  
The Honourable Sulemanu Barau.
- The First Member for the Northern Provinces,  
The Honourable Bello Kano.
- The First Member for the Eastern Provinces,  
The Honourable C. D. Onyeama.
- The Second Member for the Northern Provinces,  
✧ The Honourable Abubakar Tafawa Balewa.
- The Second Member for the Eastern Provinces,  
The Honourable H. Buowari Brown, O.B.E.
- The Third Member for the Northern Provinces,  
The Honourable Iro Katsina.
- The Fourth Member for the Northern Provinces,  
The Honourable Aliyu, Makaman Bida.
- The Fourth Member for the Eastern Provinces,  
Dr the Honourable F. A. Ibiam, O.B.E.
- The Second Lagos Member,  
Dr the Honourable N. Azikiwe.
- The First Nominated Member,  
The Honourable P. J. Rogers.
- The Fifth Member for the Northern Provinces,  
The Honourable Yahaya Ilorin.
- The Fifth Member for the Eastern Provinces,  
The Honourable N. Essien.
- The Third Lagos Member,  
The Honourable Adeleke Adedoyin.
- The Member for Calabar,  
The Honourable E. E. E. Anwan.

**ABSENT****UNOFFICIAL MEMBERS**

- The Second Member for the Western Provinces,  
The Honourable T. A. Odutola, O.B.E.
- The Oba of Benin,  
The Honourable Akenzua II, C.M.G.
- The Third Member for the Eastern Provinces,  
The Honourable A. Ikoku, O.B.E.
- The Third Member for the Western Provinces,  
The Honourable G. I. Obaseki.
- The Second Nominated Member,  
Major the Honourable J. West, M.C., E.D.
- The Third Nominated Member,  
The Honourable N. B. Edwards.
- The Fourth Member for the Western Provinces,  
The Honourable A. Soetan.

**PRAYERS**

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

**OATHS**

His Honour Commander S. E. Johnson, R.N., Acting Chief Commissioner, Eastern Provinces; His Honour P. V. Main, Acting Chief Commissioner, Western Provinces; the Honourable B. E. Sharwood-Smith, C.M.G., E.D., Senior Resident, Kano Province; the Honourable C. J. Mayne, Senior Resident, Calabar Province; and the Honourable T. B. Bovell-Jones, Resident, Ondo Province, took the Oath as Members of the Council.

**CONFIRMATION OF MINUTES****His Excellency:**

The minutes of the last meeting have been circulated. The question is that the minutes as circulated be confirmed.

*The minutes are confirmed.*

**PETITIONS****The First Member for the Eastern Provinces (The Hon. C. D. Onyeama):**

Your Excellency, I rise to present a petition from one Patrick Uyanwa. This petition bears one signature on it, the signature of the petitioner. It is written in the English language, and does not require translation. The pith and marrow of this petition, Your Excellency, is a request by the petitioner that this Government might be disposed to change a decision which had been arrived at dismissing him from the public service. The petitioner was, for thirty-two years, employed in the Nigerian Railway. He was charged on two counts, one alleging stealing, the other fraudulent

[Hon. C. D. Onyeama]

[Petition]

false accounting. He was found not guilty of stealing by the Supreme Court at Enugu, but found guilty of fraudulent false accounting. On appeal to the West African Court of Appeal the conviction for this count of fraudulent false accounting was quashed and the accused was found not guilty on all the counts against him. After this the Government convened a Board of Enquiry and this man was charged with gross negligence and dismissed from the service. As a result of the dismissal he has lost, after thirty-two years, all pension and gratuity rights and he therefore petitions to this House that the Government might be disposed to reinstate his pension and gratuity rights, especially when it is taken into account that he has reached retirement age. Those, Your Excellency, are briefly, the salient facts of this petition and I would respectfully move that this petition be referred to a Select Committee.

**The Member for the Colony (The Rev. & Hon. T. A. J. Ogunbiyi, O.B.E.):**

I rise to second the petition.

**The Hon. the Chief Secretary to the Government:**

Under Standing Orders it is not possible to debate the motion which the Honourable Member has put to the House but on a subsequent occasion I shall make a statement on behalf of the Government in relation to petitions presented to this Council on questions of discipline in the Civil Service. The Government will oppose the reference to a Select Committee, but as I cannot explain my reasons for that opposition now I must content myself with that statement.

**The Fourth Member for the Eastern Provinces (Dr the Hon. F. A. Ibiam, O.B.E.):**

Your Excellency, I humbly and most respectfully beg.....

**The Hon. the Chief Secretary to the Government:**

On a point of order would it not be preferable, as I understand that this is another petition, to take a decision on the first before we proceed to consider this one.

**His Excellency:**

After the Chief Secretary has made a statement, is the Honourable Member agreeable to have it put to the Council?

The Chief Secretary will make a statement after this meeting. Therefore your motion will still be before the meeting.

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama):**

Your Excellency, I would prefer the question to be put now, as the motion has been moved and seconded and the question is before the House—whether the matter be referred to Select Committee or not?

[H.E. the Governor]

[Petition]

**His Excellency:**

Under Standing Rules and Orders we don't have any means of knowing in advance what a Petition contains.

**The Hon. the Chief Secretary to the Government:**

No, Sir.

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama):**

I forwarded a copy of this petition to the Clerk of this House about a week ago, so I assume the Government will be fully aware of the contents.

*Laughter.*

**The Hon. the Chief Secretary to the Government:**

If I may say so, the Member is perfectly right. If he wishes it to go to a vote so let it be. I am sorry that I have not been given an opportunity to make my statement beforehand, but that is for him to decide.

**His Excellency:**

The question is that the petition presented by the Honourable the First Member for the East be referred to a Select Committee.

I think the Noes have it.

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama):**

Your Excellency, I request a division.

*Council in Division.*

<i>Ayes</i>	<i>Noes</i>
17	20
The Hon. the Member for Calabar.	The Hon. the First Nominated Member.
The Hon. the Third Lagos Member.	The Hon. the Emir of Abuja.
The Hon. the Fifth Member for the Eastern Provinces.	The Hon. the Atta of Igbirra.
The Hon. the Fifth Member for the Northern Provinces.	The Hon. the Emir of Gwandu.
The Hon. the Second Lagos Member.	The Hon. the Resident, Ondo Province.
The Hon. the First Member for the Eastern Provinces.	The Hon. the Senior Resident, Calabar Province.
The Hon. the Fourth Member for the Northern Provinces.	The Hon. the Senior Resident, Kano Province.
The Hon. the Third Member for the Northern Provinces.	The Hon. the Commissioner of the Colony.
The Hon. the Second Member for the Eastern Provinces.	The Hon. the Commissioner of Labour.
The Hon. the Second Member for the Northern Provinces.	The Hon. the Director of Public Works.
The Hon. the First Member for the Eastern Provinces.	The Hon. the Director of Agriculture.
The Hon. the First Member for the Northern Provinces.	The Hon. the Director of Education.
	The Hon. the Development Secretary.

[Hon. C. D. Onyeama]

[Motion]

*Ayes*

The Hon. the Oni of Ife.  
 The Hon. the Emir of Katsina.  
 The Hon. the First Lagos Member.  
 The Hon. the First Member for  
 the Western Provinces.  
 The Hon. the Member for the  
 Colony.

*Noes*

The Hon. the Director of Medical  
 Services.  
 The Hon. the Financial Secretary.  
 The Hon. the Acting Attorney-  
 General.  
 His Honour the Acting Chief  
 Commissioner, Western Pro-  
 vinces.  
 His Honour the Acting Chief  
 Commissioner, Eastern Pro-  
 vinces.  
 His Honour the Chief Commis-  
 sioner, Northern Provinces.  
 The Hon. the Chief Secretary  
 to the Government.

*The motion is resolved in the negative.*

**The Hon. the Chief Secretary to the Government:**

With your permission, and the permission of the Council, and before we proceed with the business of this Council, I should like to make a short statement on behalf of the Government. I think that that would be helpful to the Council. I was unable to do so when the motion of the Honourable the First Member for the East was before the House.

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama):**

Before the Honourable the Chief Secretary makes that statement there is a second petition to be presented to the House and I would prefer that he make this statement after the petition has been so presented.

**The Hon. the Chief Secretary to the Government:**

It is for the House to say, but I should have thought that before we voted on another petition of this kind it might be better to be aware of the considerations in the mind of the Government, rather than be unaware of these considerations.

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama):**

We have had petitions in this House before and the Honourable the Chief Secretary has never made a statement regarding petitions, and I am surprised that it should happen today when these two petitions are coming before this Honourable House.

**The Hon. the Chief Secretary to the Government:**

There has, I think, been only one petition on the question of discipline in the Government service brought to this House. It was my intention to make a statement in any event at this meeting of the Council, but it is entirely for the Council to say whether they wish the statement to be made now or on a later occasion.

[Dr the Hon. I. Olorun-Nimbe]

[Petition]

**The First Lagos Member (Dr the Hon. I. Olorun-Nimbe):**

I was very much surprised when the Chief Secretary got up to say that Government would oppose referring the petition to a select committee. I think the House will remember, Sir, that last year a petition was brought before the House and the Government replied to that petition without consulting this House. I asked the question and the Honourable the Third Lagos Member supported me—that if a petition was presented before this House and any civil servant complaining about injustice done to him in the service has every right to do so, it is not for the Government to reply on behalf of this Council. It is for the Council to take a unanimous decision and it would appear, Sir, that one would be surprised to see that the Chief Secretary comes here today to oppose the petition in view of the assurance that he gave last year that petitions should be referred to select committee. A precedent had already been established, and I see no reason to deviate from that principle.

**His Excellency:**

May I ask the Honourable the Fourth Eastern Member whether his petition deals with a disciplinary matter?

**The Fourth Member for the Eastern Provinces (Dr the Hon. F. A. Ibiam, O.B.E.):**

Yes, Sir.

**His Excellency:**

I shall consult the wishes of the House. I shall first put to the House that the Chief Secretary be permitted to make a statement. If that is resolved in the negative then I shall invite the Fourth Member for the East to proceed immediately with his petition.

**The Third Lagos Member (The Hon. Adeleke Adedoyin):**

The statement by the Chief Secretary will in any event prejudice the presentation of this petition to the House and that is why I humbly suggest that the petition be allowed—that the Member for Eastern Provinces be allowed to present it—and then we could take a vote on it, and if we lose that is the end of it.

**The Hon. the Chief Secretary to the Government:**

In view of the statements that have been made, I withdraw my suggestion that the statement should be made first, and I shall ask permission to make it on a subsequent occasion. My only purpose was that all relevant factors should be before the House when the decision is taken on the second petition. I wanted an opportunity to state the reasons why we consider that petitions on matters of discipline should not be dealt with in a legislative body.



[Dr the Hon I. Olorun-Nimbe]

[Petition]

Ayes	Noes
15	21
The Hon. the Member for Calabar.	The Hon. the First Nominated Member.
The Hon. the Third Lagos Member.	The Hon. the Emir of Abuja.
The Hon. the Fifth Member for the Eastern Provinces.	The Hon. the Atta of Igbirra.
The Hon. the Fifth Member for the Northern Provinces.	The Hon. the Emir of Katsina.
The Hon. the Second Lagos Member.	The Hon. the Emir of Gwandu.
The Hon. the Fourth Member for the Eastern Provinces.	The Hon. the Resident, Ondo Province.
The Hon. the Fourth Member for the Northern Provinces.	The Hon. the Senior Resident, Calabar Province.
The Hon. the Third Member for the Northern Provinces.	The Hon. the Senior Resident, Kano Province.
The Hon. the Second Member for the Eastern Provinces.	The Hon. the Commissioner of the Colony.
The Hon. the Second Member for the Northern Provinces.	The Hon. the Commissioner of Labour.
The Hon. the First Member for the Eastern Provinces.	The Hon. the Director of Public Works.
The Hon. the First Member for the Northern Provinces.	The Hon. the Director of Agriculture.
The Hon. the Oni of Ife.	The Hon. the Director of Education.
The Hon. the First Lagos Member.	The Hon. the Development Secretary.
The Hon. the First Member for the Western Provinces.	The Hon. the Director of Medical Services.
	The Hon. the Financial Secretary.
	The Hon. the Acting Attorney-General.
	His Honour the Acting Chief Commissioner, Western Provinces.
	His Honour the Acting Chief Commissioner, Eastern Provinces.
	His Honour the Chief Commissioner, Northern Provinces.
	The Hon. the Chief Secretary to the Government.

*The motion is resolved in the negative.*

### The Hon. the Chief Secretary to the Government:

Now that we have dealt with these two motions, I think the Honourable Members will not object if I make a short statement on Government's behalf while the matter is still fresh in our minds. I do not propose to deal with the matter exhaustively now although the matter is one of vital consequence. I merely wish to make a very short statement of the principles which I believe are involved. It is, I believe, a fundamental principle in any country in the world that there must be a division of function between the executive and the legislature. It is also of the greatest importance, I am sure that all Honourable Members will agree, that the functions of the legislature and the limitations of the legislature, should be well understood. Now, it is our view that if matters of Civil Service discipline are subject to revision by a Select Committee of this Legislature, or of any other Legislature for that matter, a grave disservice will be done to the Government Service

[C.S.G.]

[Petition]

in particular and to Nigeria in general. If we are to create a state of affairs in which any official who considers himself aggrieved can appeal to a political body then I believe the consequences will be most grave. It is a fundamental principle in my view that individual cases of Civil Service discipline should not be dealt with by the Legislature. If the loyalty of officials to the Service, which is the service of the people of Nigeria, is to be undermined by political interference then I shudder to think what the eventual consequences will be. I believe that it is very important in the constitutional advance which is now proceeding to ensure that officials of this Government are free from political control. Officials must not only be free from political influence, this must serve the general interests of Nigeria and should be entirely disassociated from politics in any sense. It is most important that we should consider this matter before we proceed with constitutional advance. I myself believe that unless we ensure that the Government service of this country is entirely free from political influence we shall have done a grievous disservice to this country. I believe moreover that if decisions of discipline are to be reviewed in this Council, or whatever legislative body takes the place of this Council in the future, it will certainly lead to political interference.

We may have an opportunity, if Honourable Members wish, to debate this very important matter subsequently on a motion, but I would most earnestly ask Honourable Members to consider what I have said and to consider whether it is in the interests of Nigeria that this Council, or its successors, should set itself up as a tribunal for the examination of disciplinary action taken in respect of individual Government servants.

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama):**

May I ask a question arising from the statement?

**His Excellency:**

There is no question before the House.

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama):**

I would like to know whether a dissatisfied civil servant in England has no right to approach his Member of Parliament and seek redress through him?

**The Hon. the Chief Secretary to the Government:**

Certainly he can write to his Member of Parliament but he does not seek redress in the House of Commons.

**His Excellency:**

I must not anticipate the debate which may follow on this subject. It has taken rather an unusual course. I myself regret that the matter was pressed to a division before the statement. The

- Bulletin No. 19—The Geology of the Plateau Tinfields—Resurvey, 1945-48.
- Bulletin No. 20—The Geology of the Osi Area, Ilorin Province.
- Eastern House of Assembly Debates of 14th-16th July, 1949.
- Eastern House of Assembly Debates of 21st October, 1949.
- Western House of Assembly Debates of 6th-8th and 10th December, 1949.
- Northern House of Assembly Debates of 13th and 23rd February, 1950.
- Legislative Council Debates—Fourth Session—2nd March-3rd April, 1950—Volumes I and II.
- Notes of proceedings in Select Committee on the Estimates, 1950-51 and replies thereto.
- Report of the Standing Committee on Finance of the Western House of Assembly for period December, 1949-January, 1950.
- Report of the Standing Committee on Finance of the Western House of Assembly for the period February-July, 1950.
- Report of the Regional Joint Standing Committee on Finance of the Northern Regional Council for the period February-July, 1950.
- Report of the Standing Committee on Finance of the Eastern House of Assembly for the period February-July, 1950.
- Memo on the Agenda for the Meeting of the Standing Committee on Finance, May, 1950 of the Eastern House of Assembly with the minutes of the 5th, 8th and 9th May, 1950.
- Report of the Standing Committee on Finance of the Legislative Council of Nigeria in respect of the period 1st February to 31st July, 1950.
- First Annual Report 1949—Nigeria Oil Palm Produce Marketing Board.
- Information in respect of Nigeria for the year 1948.
- Report of the Commission of Enquiry into the disorders in the Eastern Provinces of Nigeria, November, 1949, together with despatches exchanged between the Governor and the Secretary of State for the Colonies.
- Report to the Secretary of State for the Colonies by Dr G. B. Jeffrey, F.R.S., on a visit to West Africa.
- Minority Reports on the New Constitution.
- Report of the Co-operative Mission to Nigeria.
- Sessional Paper No. 22—Annual Report on the General Progress of Development and Welfare Schemes.
- African Conference, 29th September-9th October, 1948,*

[C.S.G.]

[Papers Laid]

Conference Papers, Delegates, Communiqués and arrangements. No. 1175.

Minutes of Sessions 1-12 of the Conference. No. 1176.

Subsidiary Legislations made since the last meeting of the Council.

Resolutions under section 53 (1) of the Nigeria (Legislative Council) Order in Council, 1946, adopted by:—

1. The Northern House of Chiefs.
2. The Northern House of Assembly.
3. The Western House of Assembly.
4. The Eastern House of Assembly.

#### The Hon. the Financial Secretary:

Sir, I have the honour to lay on the table of this Honourable House, a report of the Select Committee of the Legislative Council appointed by His Excellency to consider a petition from the Railway Station Staff Union presented to Legislative Council by the Honourable the Oni of Ife.

#### QUESTIONS

*NOTE.*—Replies to Questions Nos. 13, 28, 36, 38, 190, 192, 193 and 195 by the Honourable the Member for the Colony; Nos. 14, 15, 17, 23-26 and 167 by the Honourable the Second Lagos Member; Nos. 16, 200 and 201 by the Honourable the Second Member for the Western Provinces; Nos. 18 and 30 by the Honourable the Second Member for the Eastern Provinces; Nos. 19, 181-183, 197-199 by the Honourable the First Member for the Eastern Provinces; Nos. 20, 21, 34, 114 and 179 by the Honourable the First Lagos Member; No. 29 by the Honourable the Third Member for the Western Provinces; No. 202 by the Honourable the Emir of Gwandu and No. 204 by the Honourable the Second Nominated Member are not yet ready.

#### The Second Lagos Member (Dr the Hon. N. Azikiwe):

22. To ask the Honourable the Financial Secretary:—

Will the total allowances paid to each Unofficial Member of the Legislative Council who served on any Government Commission or Board or Committee between April, 1948 and March, 1949, be listed in detail?

*Answer—*

#### The Hon. the Financial Secretary:

As far as can be ascertained the following amounts were paid as allowances in 1948-49:—

[Dr the Hon. N. Azikiwe]

[Question]

**The Second Lagos Member (Dr the Hon. N. Azikiwe):**

158. To ask His Honour the Chief Commissioner, Northern Provinces:—

(a) Has any action been taken on a petition dated 30th September, 1948, from the Mopa community to His Excellency the Governor?

(b) What is the nature of the action?

*Answer—*

**His Honour the Chief Commissioner, Northern Provinces:**

(a) Yes, Sir.

(b) The authors of the petition were notified by the Resident, Kabba Province, in a letter dated the 2nd of February, 1949, addressed to the Secretary, Mopa Community, c/o Mr Adenipekun Adegbola, Journalist and Publicist, P.O. Box 201, Ibadan, that the substance of their petition was similar to that of a petition which had already been received under cover of identical signatures from an organisation styled the Mopa Patriotic Union, concerning which His Excellency had declared, after consideration, that he declined to intervene, and therefore he was not prepared to vary his previous decision.

**The Second Lagos Member (Dr the Hon. N. Azikiwe):**

159. To ask His Honour the Chief Commissioner, Eastern Provinces:—

(a) Is it a fact that Besong Mbeng of Fontem Bangwa area in Mamfe Division was selected by his father, Forchap, before his death to be chief or headman of his domain?

(b) Is it a fact that Besong Mbeng is no longer Chief?

(c) Is it true that Besong Mbeng was fined £10?

(d) Why?

(e) Is it true that the Tali Village people prefer Besong Mbeng to be Chief because he is educated and Government is unwilling to accept this choice?

(f) Will an explanation of the whole affair be given?

*Answer—*

**His Honour the Chief Commissioner, Eastern Provinces:**

(a) No, Sir. Besong Mbeng's half brother, Fondong, was nominated by his father on his deathbed to succeed him.

(b) Yes, Sir.

(c) Yes, Sir.

(d) Besong Mbeng was charged before the Magistrate Special Powers at Mamfe on 19th January, 1949, with conduct likely to cause a breach of the peace; he was found guilty and fined £10.

(e) Besong Mbeng has no connection with Tali, which is a village of the Banyang Clan. The dispute in which he was concerned arose over the succession to the Quarter Headship of the Forchap Quarter of Fontem in the Bangwa Clan Area. It is true that his candidature was supported by a number of the sub-chiefs, but not on the grounds that he is an educated man. His claim was rejected because his succession was contrary to Native Law and custom.

[C.C.E.P.]

[Answer]

(f) The dispute between Besong Mbeng and his half brother, Fondong, arose on the death of their father, the late Quarter Head of Forchap. In accordance with Bangwa Native Law and Custom, the latter, on his deathbed, called his friends and relatives, and in their presence, nominated his successor and apportioned his estates. He declared that Fondong, who at that time was working in a plantation in the Victoria Division, was to succeed him. Taking advantage of Fondong's absence, Besong Mbeng supported by a number of his sub-chiefs, visited the Clan Head, and persuaded him to agree to his own installation as Quarter Head. The matter was taken to the Clan Court by Fondong on his arrival a week later, and the Native Court found in his favour. On review, it was referred back to the Native Court for further evidence, after which the Court revised its judgment, and found for Besong Mbeng. Fondong then applied for the District Officer's review. The decision was given against Besong Mbeng, and the revised Native Court judgment annulled. Besong Mbeng then sought the Resident's review, and judgment was again delivered against him. Fondong was granted an injunction to restrain Besong Mbeng from acting as Quarter Head, and was declared entitled by Native Law and Custom to succeed his father. Besong Mbeng was later prosecuted in the Magistrates' Court for conduct likely to cause a breach of the peace, and was fined £10 and ordered by the Magistrate to enter into a recognisance to keep the peace for twelve months. He refused to do so, and was committed into custody for twelve months in default. He was released on 17th September, 1949. A further claim by Fondong against Besong Mbeng for the recovery of part of the estates not yet delivered to him, is now sub-judiced.

#### The Second Lagos Member (Dr the Hon. N. Azikiwe):

174. To ask His Honour the Chief Commissioner, Northern Provinces:—

(a) What are the circumstances surrounding the granting and subsequent refusal of the use of Rex Cinema, at Jos, by the African Academy?

(b) Is it a fact that the work of the African Academy has received the co-operation of the Colonial Office?

(c) Is the proprietor of the Rex Cinema at Jos a person of Nigerian Nationality? Ditto for the Manager?

(d) Was this alleged action actuated by factors of racial discrimination?

Answer—

#### His Honour the Chief Commissioner, Northern Provinces:

(a) There appears to have been a misunderstanding concerning the booking of the Rex Cinema at Jos. After holding two successful meetings an intended third meeting had to be abandoned because the Cinema had been booked for the wrong day. There was no question of a booking being refused.

(b) I understand that the Colonial Office has shown interest in the Academy: I am not aware that it has co-operated in the Academy's work.

[D.P.W.]

[Answer]

(b) The authority responsible for upkeep of the road between Jebba and Bida is the Public Works Department. The work is done by the Native Administration of Bida on behalf of the Department.

(c) Work is now in progress on improvement of this road. Provision is made in the Development Plan, at page 262 of current estimates under R.A.N. 10 Jebba-Bida-Wamba-Karshe Road. Expenditure to 31st March, 1950, was £21,000. Up to the present work has been mainly on bridge construction and strengthening but work is now starting on improvements to the carriageway. It is expected that a further £20,000 or more will be spent this year. The total estimated cost of improvement is £237,000.

**The Member for the Colony (The Rev. & Hon. T. A. J. Ogunbiyi, O.B.E.):**

194. To ask the Honourable the Director of Public Works:—

(a) The cause or causes of the delay in finishing Lagos-Ikorodu Road.

(b) How much has already been spent since the beginning of its construction?

(c) What prospect has the Government to give the community about the date it may be ready for public use?

*Answer—*

**The Hon. the Director of Public Works:**

(a) The Honourable Member is referred to the reply made to Question No. 53 of 2nd March, 1950. The main cause of the delay in completion of the work has been the difficulty of construction in the low lying area through which the road passes. Operations have been slowed down and severely restricted by the prolonged inundations. It has also been necessary to sink bridge foundations to depths of forty to fifty feet.

(b) Expenditure on construction since the work started to 31st March, 1950, has been £111,000.

(c) It is hoped that the road will be passable by March, 1951, and open to the public later in the year.

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama):**

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

(a) Whether Government is aware of the statement made by Mr Gordon Walker (Commonwealth Secretary) in the British House of Commons early in July, 1950, in answer to Mr Peter Smithers (Conservative; Winchester) as follows: "As the colonies are different from the Commonwealth, they cannot behave in ways like the Commonwealth nations".

(b) If so, would Government state the relation of Nigeria with the Commonwealth?

[C.S.G.]

[Answer]

*Answer—***The Hon. the Chief Secretary to the Government:**

Nigeria is of course a part of the Commonwealth. If the Honourable Member wishes I shall gladly show him the full record of the debate in the House of Commons to which he refers. Mr Gordon-Walker's statement, read in the context of that debate, was clearly referring solely to the differences which exist between self-governing Dominions and colonial territories which have not yet reached that status in respect of foreign relations and trade treaties.

**The First Nominated Member (The Hon. P. J. Rogers):**

203. To ask the Honourable the Attorney-General:—

Will the Government make a statement regarding the law applicable to picketing in industrial disputes.

*Answer—***The Hon. the Attorney-General:**

Yes, Sir, the law relating to picketing is to be found in section 6 of the Trade Unions Ordinance (Chapter 218), and it may be summarised as follows:—

Persons acting in contemplation or furtherance of a trade dispute may attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information or of peacefully persuading any person to work or abstain from working. But it is not permissible, and it is an offence against the law, to attend in such numbers or in such manner as is calculated to cause in the mind of any person a reasonable apprehension of injury to him or to any member of his family or to any of his dependents or of violence or damage to any person or property; and it is an offence to watch or beset a house or place where a person resides or the approach to such a house or place for the purpose of coercing any person to work or abstain from working. It should be clearly understood that a person taking part in a strike who commits a criminal offence, such as assault, is in no way privileged but is liable like any other offender to the penalties imposed by law.

**MOTIONS****The Hon. the Financial Secretary:**

Sir, I rise to move the following motion standing in my name:—

“ Be it resolved:

“ That the Report of the Standing Committee on  
“ Finance which was laid on the table today be  
“ adopted.”

This report, Sir, relates to the meetings of the Standing Committee on Finance held in the months of March, May, June and July, 1950. The supplementary expenditure approved by the Committee and the other decisions taken by the Committee are set out in detail in the Report and I do not think it is necessary for me to add anything further. Sir, I beg to move.



[F.S.]

[Report of Select Committee of LegCo. on  
petition from the Railway Station Staff Union]

of March, 1950, be adopted by this Honourable House. The report is a simple and straightforward document and I do not think that it calls for any elaboration.

The report reads as follows:—

Your Excellency,

We were appointed by Your Excellency as a Select Committee to consider the petition from the Station Staff Union presented to the Council on the 30th of March, 1950.

We met together in the Legislative Council Chamber at Lagos on the 30th of June, 1950, and we now have the honour to lay this report before the Council:—

1. We note that the points in dispute raised in the Petition are identical with those submitted to the Macdonald Arbitration in 1948.
2. In our opinion the Legislative Council should not reconsider the award or awards which were made by the independent arbitrator as recently as October, 1948.
3. In our opinion much of the dissatisfaction of the Railway Station Staff Union arises from the lack of promotion prospects. We call on Government to give careful and sympathetic consideration to the claims of members of the Railway Station Staff Union to promotions including promotion to the Senior Service.

*Chairman*

(Sgd.) E. HIMSWORTH.

*Members*

(Sgd.) M. BELLO KANO.  
 ,, ADEREMI—*Oni of Ife*.  
 ,, A. SOETAN—*Aro of Kemta*.  
 ,, T. ADE. ODUTOLA.  
 ,, THOS. A. J. OGUNBIYI.  
 ,, H. BUOWARI BROWN.  
 ,, S. BARAU—*Emir of Abuja*.  
 ,, N. ESSIEN.  
 ,, IBIYINKA OLORUN-NIMBE.  
 ,, ADELEKE-ADEDOYIN.  
 ,, A. IKOKU.

Sir, I beg to move.

The Second Member for the Eastern Provinces (The Hon. H. Buowari Brown, O.B.E.):

Sir, I beg to second.

*Motion adopted.*

**BILLS****(First Readings)****THE NATIVE AUTHORITY (AMENDMENT) ORDINANCE, 1950****His Honour the Acting Chief Commissioner, Western Provinces:**

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

“ An Ordinance further to amend the Native Authority Ordinance ”.

Although I have attended meetings of this Honourable House before, Sir, this is the first occasion on which I have been called upon to speak. I am glad that it should be for the purpose of introducing this Bill, as much of it originates from the Western Provinces. During the latter period of my office as Secretary, Western Provinces, we spent much time in urging the need for some of these amendments to the principal Ordinance, but I fear the overtaxed the Honourable Attorney-General was too engaged with other heavy tomes of legislation such as the Eastern Provinces Local Government Bill. So we had to wait until now for our needs—with the patience, understanding and courtesy for which we in the West are justly renowned.

All who have knowledge of Local Government in the Provinces will agree that this amending Bill is desirable as its clauses are intended, in one way or another, to smooth out present difficulties in administration and also to permit Committees, appointed by the Native Authority Councils, to take a greater share in the actual day to day responsibilities of Government.

To turn to the different clauses of the Bill, Sir, I think none will find clause 2 in any way controversial. Sub-clause 2 of this clause is not, in fact, required now in the West as we no longer have Sole Native Authorities, but it is necessary elsewhere. Sub-clause 3 smooths out difficulties or tediousness in procedure that we have been experiencing in recent years. When my Honourable Friend, Sir Adesoji Aderemi, the Oni of Ife, went to England in 1948, we had to arrange for his Council to be specially appointed and gazetted as Native Authority in his absence. The Honourable the Oba of Benin is away at present in the United Kingdom and the Alafin of Oyo is now at Mecca. Similar arrangements have been made in their cases. In future the Native Authority Council or Advisory Council under this sub-clause will be deemed automatically to be the Native Authority in the area in the absence of the principal Oba, without Notice in Gazette or other special and perhaps tedious procedure.

Clause 3, Sir, is near to the heart of every Native Authority in the Western Provinces and, I am sure, elsewhere. The country generally realises that neither Central nor Regional funds can pay

[Ag.C.C.W.P.]

[Native Authority Ordinance]

for the full and ambitious Education programme that the people want. All seem most ready to pay a special local rate to further this programme in their own districts.

Clause 4, Sir, is again very desirable and is included at the wish of every Native Authority. There are few, these days, who have not already, in fact, appointed Committees of varying sorts, to deal with the different branches of Government. There are Finance Committees, Education Committees, Committees dealing with Buildings and Public Works, Forestry, Agriculture, etc. But they have no proper authority in any of their duties, they are only advisory; they must refer to the full Native Authority Council in every matter. The full Native Authority Council at Oyo, for example, cannot meet more frequently than once in two to three months because of the great distances involved. The delays in the execution of Government business may be imagined. This clause permits Native Authorities to delegate to Committees specific authority and duties; there are to be suitable conditions and controls of course, as set out in the sub-clauses. When it is remembered that the Native Authority Councils, to a considerable and increasing extent, are already manned by Councillors freely elected from among the educated people of the districts concerned, and that this clause allows for even more such persons on Committees, those who press for progress in democracy will applaud this amendment.

Clauses 5 and 6 present no difficulties, the need for them is obvious.

Clause 7 again provides for a long felt need. For example in Oyo and Ondo and Benin Provinces, there are Provincial Native Authority Police Forces shared by the Native Authorities within each Province. The management of their affairs is difficult. It may well be imagined how tedious and slow it is to come to any decision when five Native Authorities have separately to be approached. The appointment by the Native Authorities concerned of a Joint Committee, suitably empowered to act for them, is an obvious improvement on existing arrangements. Services such as Prisons, Treasuries, Public Works, etc., may well be improved and run more economically when several Native Authorities combine their operations. The proposed new section 91 (b) to (h) deals with the manner in which the Joint Committees may be appointed, the functions which may be delegated to them, and other details setting out their duties and limitations. I do not think it is necessary at this first reading to go into further details.

May I conclude, Sir, by commending this Bill to the House? It has already proved acceptable to the Regional Houses of Assembly and the Northern House of Chiefs with but few suggested amendments. These may be dealt with more suitably in Committee.

Sir, I beg to move.

**His Honour the Acting Chief Commissioner, Northern Provinces :**

Sir, I beg to second.

*Bill read a first time.*

**His Honour the Acting Chief Commissioner, Western Provinces :**

Sir, I beg to give notice that at a later date during this meeting I will move the second reading of the Bill which has just been read a first time.

THE EDUCATION (AMENDMENT) ORDINANCE, 1950

**The Hon. the Director of Education :**

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

“ An Ordinance to amend the Education Ordinance, 1948.”

Honourable Members will recollect that the section of the Ordinance which is the subject of the proposed amendment, stems directly from Chapter 5 of Sessional Paper No. 20 of 1947 which was approved by this Council, after debate in March, 1948. I need not detain the House by analysing the pertinent chapter in full but with your permission, Sir, and the permission of the Council, I should like to remind Honourable Members of some of the implications by quoting the two final paragraphs. They read:—

“ It has been recommended that Local Education Authorities should concern themselves with all primary education within a district, including the schools maintained by Voluntary Agencies. If the latter are to receive aid from Government or Native Authority funds they must be prepared to conform to policy, to take account of local educational needs and to attain a reasonable standard of efficiency. On the other hand, these schools are in many cases meeting educational needs which cannot so effectively be met in any other way, and their encouragement and improvement in such cases is the most economical and advantageous use of public funds. The establishment of Local Education Authorities already recommended, in which representatives of all interests can meet together and discuss in common the educational needs and problems of an area, is thought to be the best means of bringing about an understanding between African opinion and the Voluntary Agencies engaged in education in the area. Such an understanding is of the highest importance if the best and largest use is to be made of all available resources.”

“ Finally it is recommended that expansion in the sphere of primary education should be conducted according to a planned scheme approved by the Local Education Authority and that grants to the Voluntary Agencies should depend upon their conforming to such a scheme. Such control is essential as a safeguard against the dissipation of educational effort ”.

The establishment of a Local Education Authority pre-supposes a rating authority, and, in the existing stage of the territory's development, the rating authorities must necessarily be the Native Authorities or local government councils. Honourable Members will have observed that the Bill is complementary to a section of the Bill which has just been moved by His Honour the Acting Chief Commissioner, Western Provinces. In other words, the time is now considered ripe for a system of rating for educational purposes. As to that, Sir, may I urge Honourable Members to impress on the communities they represent that the imposition of a rate does not connote the abolition of school fees or free universal education. It may serve to augment the “ assumed local contribution ”: or it may be used for the “ extension ” of primary education as defined by Sir Sydney Phillipson in his Review of Grants-in-Aid: or it may be used for both these things. My point is that the prerequisite to the efficient use of the proceeds of a rate is a planned scheme approved by each Local Education Authority on the advice of its Committee.

Sir, I beg to move.

**The Hon. the Development Secretary :**

Sir, I beg to second.

*Bill read a first time.*

**The Hon. the Director of Education :**

Sir, I beg to give notice that at a later date during this meeting I will move the second reading of the Bill which has just been read a first time.

#### THE EXCHANGE CONTROL ORDINANCE, 1950

**The Hon. the Financial Secretary :**

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

“ An Ordinance to confer powers, and impose duties and restrictions, in relation to gold, currency, payments, securities, debts, and the import, export, transfer and settlement of property, and for purposes connected with the matters aforesaid.”

The object of this Bill is to replace the Nigeria Defence (Finance) Regulations, 1942 which will expire towards the end of this year. As Honourable Members are aware, exchange control was

[F.S.]

[Exchange Control Ordinance]

introduced into Nigeria at the beginning of the war. The Nigerian control was part of a larger organisation which embraced a large number of different countries known as the Sterling Area. The purpose of this control was two-fold: to collect scarce currencies such as American dollars, Swiss and Belgian francs and secondly to see that such scarce currencies as had been earned were spent on the products which were wanted most. Exchange control was essentially a war time measure and it had been hoped that when once that war had been won we would have been able to dispense with such a control and that merchants would have been able to sell where they wanted and buy where they wished without government interference. That is a delightful state of affairs that I am sure we all would welcome but unfortunately in the present it cannot be.

The trouble has been that when the war finished the world did not revert to normal quite as quickly as everyone had hoped and expected. Honourable Members will well remember that following the war there were lots of articles in short supply. The scarcity was almost world wide. During the war years we all had to do without many things we would have liked, and whole countries had been compelled to stop development, so that when the war finally did finish there was a tremendous demand for all kinds of capital and consumption goods. But there were not the factories in the world to produce them. Some had been destroyed during the war, others were making guns and ammunition and could not readily be reconverted to their pre-war jobs. There were, however, some countries whose factories had not suffered so much during the war, for example Switzerland and America, and these countries had limited supplies for sale. On the other hand the difficulty was that the nations which wanted to buy supplies from, say America (and most nations did) had very little to sell to such countries in return. And, as most of us know, when we buy and cannot pay for what we have bought our accounts get out of balance, or to use the language of international trade, the balance of payments moves against us. Nations try to keep that balance of payments in equilibrium by ensuring that they buy just as much from a country as they sell to it, and the "dollar problem" that you have heard so much about over these last few years is just the problem of trying to earn more dollars so that we can pay for more essential goods from the countries of North and South America. There is of necessity therefore less flexibility in handling these currencies and so we call them "hard" currencies as contrasted with "soft" currencies, the acquisition of which is less difficult because they are in greater supply.

When we have got little to spend, we have to be careful how we spend it. We all know that as individuals we cannot buy all we want and we try to apportion the money we have so as to exchange it primarily for essentials such as food and clothing. That control which we exercise over our private spending is exercised by

practically all countries. The mechanism of exchange control which is now operated for us in London and which does not cost us a penny, would have to be operated and paid for here in Lagos. This would mean a large expensive staff; it would probably mean negotiating bilateral agreements with most of the countries of the world; it would mean tighter customs control; it would mean that every time a trader wished to import from or export to any part of the world he would have to come running to a government office for forms, permits, permissions and the like. It would mean a huge costly slow administrative machine staffed with people who didn't know what it was all about, and the results would be chaos too horrible to contemplate.

So it seems that the benefits we derive from the sterling area are much greater than anything we would enjoy if we stood out on our own. Honourable Members will be aware that the recent European Payments Union has been designed to give easier access to the currencies and therefore the markets of Europe. The sterling area was a party to these negotiations and Nigeria will derive advantages from the Union because of its membership of the sterling group. As normal conditions return to the world it should be possible to relax restrictions and introduce a greater measure of flexibility into the world trade until finally exchange control can be dispensed with altogether. That happy day will be brought nearer by the combined efforts of all member countries of the sterling area to increase their output and to redress the balance of payments which, as I indicated in my opening remarks, is the source of the trouble.

Finally, I would invite Honourable Members' attention to the fact that although considerable powers of control are conveyed by the Exchange Control Bill, a large number of exemptions from its provisions will be granted in practice. Administration of Exchange Control will remain very much as at present, the object being to interfere as little as possible with desirable trade and financial transactions. Sir, I beg to move.

**The Hon. the Chief Secretary to the Government :**

Sir, I beg to second.

*Bill read a first time.*

**The Hon. the Financial Secretary :**

Sir, I beg to give notice that at a later date during this meeting I will move the second reading of the Bill which has just been read a first time.

#### THE ALIENS (DEPORTATION) (AMENDMENT) ORDINANCE, 1950

**The Hon. the Acting Attorney-General :**

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

“An Ordinance to amend the Aliens (Deportation) Ordinance.”

[*Ag. Att. Gen.*][*Aliens (Deportation) Ordinance*]

Sir, the principal Ordinance, as its short title implies, makes provision of the deportation of undesirable aliens by order of the Governor in Council. At present the Ordinance makes provision whereby an alien against whom an order has been made may be placed on board a ship and the Master of that ship may be required to receive the alien and to afford him accommodation and maintenance for his journey from Nigeria. This Bill extends those provisions to other forms of transport, namely, aircraft and motor or other vehicles, and the opportunity has been taken also to provide a penalty for anyone who fails to provide accommodation and maintenance when required to do so.

Sir, I beg to move.

**The Hon. the Chief Secretary to the Government :**

Sir, I beg to second.

*Bill read a first time.*

**The Hon. the Acting Attorney-General :**

Sir, I beg to give notice that at a later date during this meeting I will move the second reading of the Bill which has just been read a first time.

#### THE PRODUCE INSPECTION ORDINANCE, 1950

**The Hon. the Development Secretary :**

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

“ An Ordinance to make provision for regulating the inspection and grading of produce intended for export, for the control of pests in such produce and for matters connected therewith.”

Sir, Honourable Members may well have felt some surprise that so soon after the enactment of the Agricultural Ordinance, 1948, it should be necessary to introduce legislation to replace that Ordinance. But, Sir, at the time of the enactment of the Agricultural Ordinance, 1948, the produce inspection service was part of the Department of Agriculture and therefore the legislative provision for the legal requirements of that service was as a matter of course included in the Agricultural Ordinance. Since then, Sir, two important developments have taken place in connection with the marketing and inspection of Nigerian produce which have rendered necessary the changes now proposed.

The first of these developments, Sir, was the decision to establish Marketing Boards to purchase and market the greater part of Nigeria's export produce, and since, Sir, the Ordinances establishing these Boards were enacted subsequently to the enactment of the Agricultural Ordinance it is inevitable that in certain cases the powers of the Board of Agriculture and the powers of the Marketing Boards overlap, and, indeed, in certain cases actually



[Dir. of Agric.]

[Agricultural Ordinance]

Clause 7, paragraph (e) enables the Board to make regulations for the control of the import and marketing of commercial fertilisers. This is of importance in view of the growing interest now being taken in the use of commercial fertilisers and the necessity for preventing unscrupulous persons from importing or selling to the public an inferior or adulterated product.

I should like to emphasise that the proposed Ordinance is largely an enabling one; and it will be noted that the Board for which it provides is comprised of five Official Members including the Chairman and eight Unofficial Members.

All regulations made by the Board are subject to consideration and approved by this Council.

Sir, I beg to move.

**The Hon. the Development Secretary:**

Sir, I beg to second.

*Bill read a first time.*

**The Hon. the Director of Agriculture:**

Sir, I beg to give notice that at a later date during this meeting I will move the second reading of the Bill which has just been read a first time.

#### THE PRISONS (AMENDMENT) ORDINANCE, 1950

**The Hon. the Acting Attorney-General:**

Your Excellency, I beg to move the first reading of a Bill for:—

“ An Ordinance to amend the Prisons Ordinance.”

It is considered desirable, Sir, that the Director of Prisons should be empowered to make standing orders for the good order, discipline and welfare of prisons and that is the purpose of this Bill. Such orders will be subject to the approval of the Governor.

Sir, I beg to move.

**The Hon. the Commissioner of Labour:**

Sir, I beg to second.

*Bill read a first time.*

**The Hon. the Acting Attorney-General:**

Sir, I beg to give notice that at a later date during this meeting I will move the second reading of the Bill which has just been read a first time.

#### THE WORKMEN'S COMPENSATION (AMENDMENT) ORDINANCE, 1950

**The Hon. the Commissioner of Labour:**

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

“ An Ordinance further to amend the Workmen's Compensation Ordinance.”

The application of that very special form of social insurance known as "workmen's compensation" is a complex and difficult matter. There is a great wealth of experience to be drawn upon with respect to workmen's compensation in highly industrialised countries with highly organised communities, but a country like Nigeria does not have the advantage of such experience. It was thought wise, therefore, in 1941 to introduce a comparatively simple measure and the results have amply justified that decision. Today the idea of workmen's compensation is widely accepted and understood and we are able in consequence, and in the light of nine years' working of the original Ordinance, to appreciate what should and what can be done to improve upon the admittedly elementary provisions now in force. The Bill now before this Council is aimed at achieving this much—to advance our workmen's compensation law in line with modern thought and practice just so far as the conditions in this country will allow. It is not necessary to emphasise how important this is to the employed workers who are affected and who will benefit. The correspondingly increased liabilities placed upon employers are also significant. They will, I am sure, be cheerfully accepted; in fact there is every indication that they have already been so accepted. There are two principal changes in the existing law—at present workmen's compensation is payable to workmen in certain specified employments, the revised section 2 will now recognise as a general principle that all workmen are entitled to workmen's compensation unless they are specifically excepted. It has been thought desirable so to exclude—and I will quote from section 2 of the Bill—

“ a person employed in agricultural or handicraft work by an employer who normally employs less than ten workmen ”.

Although this exception takes account of practical and administrative difficulties which are at present insurmountable, exclusion might not be readily acceptable to the workmen concerned, and I therefore take this opportunity of pointing out that they are not in fact without protection or without means of securing compensation for the result of accidents at work. Regulation No. 30 made under section 246 of the Labour Code Ordinance still is in force and provides simple means of seeking redress before the Courts. I have mentioned this matter specially, but I would not wish it to obscure the very real advance represented by the considerable numbers and classes of workers to whom the benefits of workmen's compensation will be applied by this measure for the first time.

The other important change in principle is proposed by the addition of a new section 28D to be found in clause 11 of the Bill. This gives the Governor in Council the power to provide that workmen's compensation is payable not only in accident cases, but also

[D.M.S.]

[W.A. Institute of Trypanosomiasis Research Ordinance]

miasis, for the Incorporation of a Committee to manage the Institute and for other purposes connected therewith."

I understand that in introducing this Bill to Regional Houses, my Deputies spoke at some considerable length, but this I do not propose to do as Honourable Members of this House are aware of the objects of the Institute, and have indeed, readily provided or agreed to provide Nigeria's contribution towards the cost of its establishment and maintenance. The main purpose of the Bill, Sir, is to accord the Director of the Institute as great a measure of autonomy as is consistent with the preservation of adequate and financial controls. In other words, to free him of the fetters normally associated with red tape in order that he may pursue such lines of research as he, his advisers, and members of the Management Committee, consider will be to the ultimate benefit of Nigeria as a whole. Adequate safeguards are provided within the Bill before the House, and the proposed administration of the scheme is on the lines adopted in the case of other Government sponsored research schemes such as the Cocoa Research Scheme. In setting up the Institute as a body corporate with a Management Committee composed of representatives unofficial and official of the five contributing parties, the Director will have now but one master to serve in place of five as widely scattered as London, Lagos, Accra, Freetown and Bathurst, to which number, who knows, another three may shortly appear in Ibadan, Enugu and Kaduna. Sir, I don't think—at least I hope members will find—nothing controversial in the Bill, and with these brief remarks I commend it to them.

Sir, I beg to move.

**The Hon. the Development Secretary :**

Sir, I beg to second.

*Bill read a first time.*

**The Hon. the Director of Medical Services :**

Sir, I beg to give notice that at a later date during this meeting I will move the second reading of the Bill which has just been read a first time.

#### THE CONSULAR CONVENTIONS ORDINANCE, 1950

**The Hon. the Acting Attorney-General :**

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

"An Ordinance to make provision for the Conferring of certain Powers upon Consular Officers of Foreign States with which Consular Conventions are concluded by His Majesty and for matters connected therewith."

Sir, it may be useful to recall briefly the history behind this Bill, and it is this: a Consular Convention was made between His Majesty's Government in the United Kingdom and the Government

of the United States of America in February, 1949. This Convention covers the appointment, privileges and functions of British Consuls in the United States of America and United States territories, and likewise of Consuls of the United States of America serving in the United Kingdom and His Majesty's territories. Much of the convention embodies practice which is already obtaining, but to give full effect to the Convention it was necessary to legislate by Act of Parliament in the United Kingdom, and for this purpose an Act called the Consular Conventions Act was passed. This Act confers on Consular Officers certain additional privileges in relation to the administration of estates of deceased foreign nationals. It restricts entry into Consular Offices. It deals with the disposal of deceased seamen's property, and also with the disposal of property of wrecked vessels belonging to foreign nationals. By the Act His Majesty is empowered by Order in Council to bring the provisions of the Act into force to the advantage of any foreign State with which a Consular Convention which covers the matters already mentioned has been made. The only Convention which has so far been made is that with the United States of America. The Bill before this Council is modelled on the United Kingdom Act in detail and it has been found necessary in addition to the matters which I have already mentioned, to make provision in relation to stamp duties and import duties. I would invite attention to clause 9 of the Bill which provides in effect that the main provisions of the Bill may be brought into force in relation to a foreign state by order of the Governor in Council.

Sir, I beg to move.

**The Hon. the Chief Secretary to the Government :**

Sir, I beg to second.

*Bill read a first time.*

**The Hon. the Acting Attorney-General :**

Sir, I beg to give notice that at a later date during this meeting I will move the second reading of the Bill which has just been read a first time.

THE NIGERIA OIL PALM PRODUCE MARKETING (AMENDMENT)  
ORDINANCE, 1950

**The Hon. the Development Secretary :**

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

“ An Ordinance to amend the Nigeria Oil Palm Produce Marketing Ordinance, 1949.”

Sir, this Bill as its name implies is an amending Bill and it is rendered necessary by the limitation imposed by the use of the word “ profits ” in sub-sections 2 and 3 of section 26 of the principal Ordinance.

It was thus our original intention to give statutory powers, and I have explained the reasons why administrative action was taken in advance of the legislative action. The purposes of establishing the Enugu Colliery Board are almost the same as the general purposes behind the Bill we are now discussing, and as the House well knows, those purposes are in line with general Government policy. It is our intention to give commercial concerns operated by the Government greater freedom. It is our intention to cut out the undesirable effects of over-centralisation. It is our intention to give to those commercial concerns the opportunity of undertaking their affairs with—to use a fashionable phrase—commercial alacrity. I do not altogether like that phrase because it does perhaps imply that there is no such thing as official alacrity. The comparison implicit in the term is perhaps between commercial alacrity and official inertia. I should naturally be the first to resent any such implication. We are anxious that these concerns should be free to carry out commercial undertakings without unreasonable outside control, and the other advantages are also most important, particularly in regard to labour disputes and labour and staff questions generally.

That is the history of the Bill we are considering today. The Enugu Colliery Board was established to deal with the mines at Enugu, and now this Bill is brought forward to deal with the wider question of development of coal resources in Nigeria generally.

I need not spend long in inviting the attention of Members to particular clauses of the Bill. It is proposed that the Corporation should consist of a Chairman and not less than six or more than nine other members, and that the Corporation should have full statutory authority to operate the enterprises dealt with in the Bill.

Section 4 of the Bill is modelled closely upon the United Kingdom Coal Nationalisation Act.

Another section of the Bill provides that the Coal Corporation can prospect for and win coal from new sources under licence from the Governor. Most Honourable Members will remember that at Enugu we were informed of the most important new discoveries of coal in other parts of Nigeria. Under this Bill it will be possible for the Corporation under licence from the Governor to proceed to win coal from those newly-found deposits.

Sections 17 and 19 deal with compensation for surface rights. I understand there has been some discussion in Regional Houses about the method of computing compensation. I naturally would be glad to hear what Honourable Members have to say about that in Select Committee, but I should now merely point out that the purpose of these provisions was to allow for compensation to be paid quickly and without involving claimants in heavy expenditure. Provision exists for immediate payment in the event of agreement

between the Corporation and the claimants. Failing agreement a District Officer can make an award, and there is also provision for reference to arbitration, if necessary. In more important cases in which agreement could not be reached, I anticipate that resort to arbitration would be made.

Perhaps in conclusion I might be permitted to digress for a minute or two to try to put this Bill in its true perspective. I believe, Sir, that when the history of this post-war decade in Nigeria is written there will be three main achievements which will be regarded as outstanding.

The first of these is the constitutional advance started in 1947 by the establishment of a single legislature for the whole of Nigeria, and followed by the proposals we are now considering for the greater participation of Nigerians in executive action and in the formulation of policy and the plan for achieving a united Nigeria through strength in the Regions.

I believe that the next main achievement which will stand out will be that of the new Marketing Schemes. By these schemes the producers enjoy greater stability of price than even before: they also have the opportunity through the representative committees of achieving real democracy in agriculture. Possibly most important of all, the Production Development Committees have a vital part to play. They hold out the greatest hope we have ever had in this country of bold experiment followed by major agricultural advance.

I have referred to the chief reforms on the political and economic side. There is also a great deal we have to do in relation to the Government machine. All members here, including, I am sure, the Unofficial Members, are conscious of the fact that the old Colonial model of Government is largely out of date in modern times, and all of us are conscious of our failure to give adequate public services to the country. The measures we are introducing for the establishment of statutory corporations, free from undue central control and given full opportunity to serve the public, represent I believe, a most important development which can be compared with the other two reforms I have mentioned. It is not necessary for me to remind you of the many statutory corporations already established. There are others we hope to establish and indeed it is the policy of the Government to introduce this new system in all the commercial undertakings operated by the Government. The Bill which we have to consider today is therefore not only important in itself: it represents a part of an even more important policy. I beg to move.

**The Hon. the Development Secretary:**

I beg to second.

*Bill read a first time.*

THE EASTERN REGION LOCAL GOVERNMENT (AMENDMENT)  
ORDINANCE, 1950

**His Honour the Acting Chief Commissioner, Eastern Provinces :**

I rise to move the first reading of a Bill entitled :—

“ An Ordinance to amend the Eastern Region Local Government Ordinance, 1950.”

This is a very simple measure, Sir, and it seeks to correct an error occurring in sub-section (1) of section 237 of the Ordinance, where reference is made to the sixth Schedule of that Ordinance. That reference should be to the fifth Schedule. Opportunity has also been taken to improve the wording at sub-section (4) section 237 of the main Ordinance.

Sir, I beg to move.

**The Hon. the Senior Resident, Calabar Province :**

Sir, I beg to second.

*Bill read a first time.*

**His Honour the Acting Chief Commissioner, Eastern Provinces :**

I beg to give notice that at a later date during this meeting I will move the second reading of the Bill which has just been read a first time.

THE 1948-49 SUPPLEMENTARY APPROPRIATION ORDINANCE, 1950

**The Hon. the Financial Secretary :**

I rise to move the first reading of a Bill entitled :—

“ An Ordinance to make supplementary provision for the service of Nigeria for the year ending the thirty-first day of March, 1949.”

Sir, this Bill is intended to provide, upon enactment, for final legislative sanction of expenditure which this Council has already approved either by legislation approving the appropriation of a specific sum or by the adoption of the several reports of the Standing Committee on Finance.

Sir, I beg to move.

**The Hon. the Development Secretary :**

Sir, I beg to second.

*Bill read a first time.*

**The Hon. the Financial Secretary :**

I wish to give notice that at a later date during this meeting I will move the second reading of the Bill which has just been read a first time.

**His Excellency :**

Before the House adjourns I should like to announce the composition of the Select Committee to deal with the matter of the Central Legislature. The membership will be the same as that of the Select Committee which dealt with constitutional matters at our Budget Meeting at Enugu in March.

\* \* \* \* \*

That concludes the business on the Order Paper for the day. Before I adjourn the House—I suggest until 10 o'clock tomorrow morning—I should like to ask if the Honourable Unofficial Members could stay behind for a brief period now to discuss a matter I should like to take up with them informally. It is desired that a photograph should be taken, and after the photograph perhaps Members will re-assemble in the Chamber for a very short time. The Chief Secretary would like to consult and arrange with members about the order of business for this meeting. Official members are not excluded from the informal discussion but it is the Unofficial Members I wish to consult.

**ADJOURNMENT**

*Council adjourned at 12.20 p.m.*



The Senior Resident, Calabar Province,  
The Honourable C. J. Mayne.

The Senior Resident, Ondo Province,  
The Honourable T. B. Bovell-Jones.

#### UNOFFICIAL MEMBERS

The Member for the Colony,  
The Rev. and Honourable T. A. J. Ogunbiyi, O.B.E.

The First Member for the Western Provinces,  
The Honourable A. Obisesan, O.B.E.

The First Lagos Member,  
Dr the Honourable I. Olorun-Nimbe.

The Emir of Gwandu,  
The Honourable Yahaya, C.M.G., C.B.E.

The Emir of Katsina,  
Alhaji the Honourable Usuman Nagogo, C.B.E.

The Oni of Ife,  
The Honourable Sir Adesoji Aderemi, K.B.E., C.M.G.

The Atta of Igbirra,  
Alhaji the Honourable Ibrahim.

The Emir of Abuja,  
The Honourable Sulemanu Barau.

The First Member for the Northern Provinces,  
The Honourable Bello Kano.

The First Member for the Eastern Provinces,  
The Honourable C. D. Onyeama.

The Second Member for the Northern Provinces,  
The Honourable Abubakar Tafawa Balewa.

The Second Member for the Eastern Provinces,  
The Honourable H. Buowari Brown, O.B.E.

The Third Member for the Northern Provinces,  
The Honourable Iro Katsina.

The Fourth Member for the Northern Provinces,  
The Honourable Aliyu, Makaman Bida.

The Fourth Member for the Eastern Provinces,  
Dr the Honourable F. A. Ibiam, O.B.E.

The Second Lagos Member,  
Dr the Honourable N. Azikiwe.

The First Nominated Member,  
The Honourable P. J. Rogers.

The Fifth Member for the Northern Provinces,  
The Honourable Yahaya Ilorin.

The Fifth Member for the Eastern Provinces,  
The Honourable N. Essien.

The Third Lagos Member,  
The Honourable Adeleke Adedoyin.

The Member for Calabar,  
The Honourable E. E. E. Anwan.

**ABSENT**

**UNOFFICIAL MEMBERS**

- The Second Member for the Western Provinces,  
The Honourable T. A. Odutola, O.B.E.
- The Oba of Benin,  
The Honourable Akenzua II, C.M.G.
- The Third Member for the Eastern Provinces.  
The Honourable A. Ikoku, O.B.E.
- The Third Member for the Western Provinces,  
The Honourable G. I. Obaseki.
- The Second Nominated Member,  
Major the Honourable J. West, M.C., E.D.
- The Third Nominated Member,  
The Honourable N. B. Edwards.
- The Fourth Member for the Western Provinces,  
The Honourable A. Soetan.

**PRAYERS**

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

**CONFIRMATION OF MINUTES**

The Minutes have been circulated. The question is that the minutes as circulated be confirmed.

*The Minutes are confirmed.*

**PAPERS LAID**

**The Hon. the Chief Secretary to the Government:**

Your Excellency, I have the honour to lay on the table the following paper:—

Sessional Paper No. 21 of 1950—Report on the Operating Problems of the Nigerian Railway, 1949, by H. F. Pallant.

**NOTICE OF MOTIONS**

**The Second Lagos Member (Dr the Hon. N. Azikiwe):**

Your Excellency, I rise to give notice of the motion which reads:—

“ Be it resolved:

“ That this Honourable House registers its approval of  
“ the findings of the Commission of Enquiry into  
“ the disorders in the Eastern Provinces of Nigeria  
“ in November, 1949 and the recall of Mr F. S.  
“ Phillip, Superintendent of Police during the  
“ said disorders, and hereby request the recall of  
“ Mr Phillip to Nigeria for initial trial.”

[Com. of Labour]

[Answer]

(e) The object of arbitration is to give each party to a dispute the opportunity to submit its case to an impartial person or board. It is by no means necessary, or even desirable, that the Arbitrator should be familiar with commerce in general or the questions in dispute in particular: his function, after an impartial hearing, is to make an award based on the facts presented to him, and a Judge is of course well-fitted by his Judicial experience to weigh the evidence placed before him. Where the parties to the dispute so wish, assessors, nominated by the parties, can be appointed to assist the Arbitrator, and this was done in the United Africa Company dispute to which the Honourable Member refers.

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama):**

199. To ask the Honourable the Development Secretary:—

(a) Whether Government is aware of the existence of an All-Hausa Company called the Kano Citizens Trading Company established in Kano city?

(b) Whether Government is aware that the policy of the Company is not to employ Southern Nigerians under any circumstances? If so, does Government approve of this policy?

(c) Whether it is true that a loan from public funds will be available to this Company when a proportion of the shares have been paid up by Shareholders.

*Answer—*

**The Hon. the Development Secretary:**

(a) Yes, Sir.

(b) (i) Government is not aware that the policy of the Company is not to employ Southern Nigerians. There is nothing to this effect in its Memorandum or Articles of Association.

(ii) Does not arise.

(c) Yes, Sir. It is understood that the loan will be granted by the Northern Regional Development Board.

*Supplementary Question to No. 199 by the First Member for the Eastern Provinces (The Hon. C. D. Onyeama):—*

How many Southerners are employed by this Company?

*Answer—*

**The Hon. the Development Secretary:**

I am afraid I should require notice of that question, Sir.

*Supplementary Questions to No. 199 (b) by the Second Lagos Member (Dr the Hon. N. Azikiwe):—*

Will assurance be given that such practice will be discouraged, if attempted?

*Answer—*

**The Hon. the Development Secretary:**

I don't think, Sir, that I can be called upon to answer a hypothetical question.

[Dr the Hon. N. Azikiwe]

[Answer]

**The Second Lagos Member (Dr the Hon. N. Azikiwe):**

I don't quite hear that, Sir.

*Answer—*

**The Hon. the Development Secretary:**

The Government, Sir, is not aware that it is the policy of the Company not to employ Southern Nigerians. Until the Government is aware that it is the policy, any reference to the non-employment of Southern Nigerians must, it seems to me, involve a hypothetical question.

**The Fourth Member for the Eastern Provinces (Dr the Hon. F. A. Ibiam, O.B.E.):**

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

In view of the fact that communism is a matter of world interest and appears to have been the cause of the war in Korea could the Government make a public statement on its attitude to communism?

*Answer—*

**The Hon. the Chief Secretary to the Government:**

I welcome the opportunity of making a general statement on the subject of Communism on behalf of the Government. I am particularly glad to have this opportunity as two other questions on this subject were put down earlier this year which had to be disallowed under the Standing Rules and Orders since they contained expressions of opinion, and I should not like it to be thought that the disallowance arose from any disinclination on the part of the Government to make its attitude to Communism quite clear.

I am not concerned to enter into any discussion of abstract political theory or to attempt to distinguish between the various brands of Communism which have been advocated from time to time. I shall limit my comment to Communism as we know it in practice today in Russia itself, and in the states which Russia now holds in subjugation, and to the activities of Communist parties elsewhere in the world.

As practised in Russia and its subject states Communism is the direct negation of all that we in the democratic countries most treasure. It means the end of personal liberty and political freedom. It means that every man and woman must accept the dictatorship of the State and since no opportunity is provided for any expression of public opinion unfavourable to the Government, the State in Russia and its subject countries in fact means the group of dictators who have achieved power. In order to retain that power they have to resort to all the well-known devices of dictatorship including the liquidation of their critics both by false trials and by organised, large-scale slavery in labour camps. Such methods are detested by Christians and Moslems alike and are, I am quite sure, entirely foreign to the people of Nigeria. I am convinced that the aspirations of the people of this country are firmly directed towards establishing free institutions—and if proof were necessary that Nigeria wishes to proceed on the path of responsible government rather than towards dictatorship and tyranny we have only to

[C.S.G.]

[Answer]

study the proposals for local government and constitutional reform which were recently approved by this Council and which have been worked out largely by Nigerians themselves.

I have spoken about Communist dictatorship in Russia and its subject states. The methods of Communist parties elsewhere in the world are now sufficiently well-known. Their object is to work underground wherever discontented minorities exist and to hold out to such minorities the possibility of imposing their will by force and violence on the majority. Wherever the traditions of political freedom and personal liberty are strong they will fail, but it is necessary to be vigilant lest small groups, seeing chances of a short cut to power over the majority, seek to disrupt the orderly progress of the whole.

In Nigeria there are fortunately very few who profess support for Soviet Communism and fewer still who understand its evil purposes and methods. It is our duty to ensure that people who have no opportunity to understand these evils are not misled by its spurious appeal. There are various measures which may have to be taken with that purpose but the chief amongst them is to push ahead with our plans for economic and social advance and constitutional progress so that the people of Nigeria shall have ever-increasing opportunities to raise their standard of living and to direct their own affairs in free democratic institutions. That course conforms with the natural outlook and traditions of the peoples of Nigeria. It is the course which has been persistently recommended in Your Excellency's statements of policy and it is the course which I believe that the people of Nigeria are determined to pursue.

*Supplementary Question to No. 205 by the Third Lagos Member (The Hon. Adeleke Adedoyin):—*

Is it a fact that Communism is the cause of the war in Korea?

*Answer—*

**The Hon. the Chief Secretary to the Government :**

I am not prepared to make a statement on that particular aspect of the matter off-hand in answer to a supplementary question.

*Supplementary Question to No. 205 by the Second Lagos Member (Dr the Hon. N. Azikiwe):—*

Will the statement that communism means the end of personal liberty and political freedom, etc., be substantiated?

*Answer—*

**The Hon. the Chief Secretary to the Government :**

I am not sure that that is a reasonable supplementary question to put in regard to the reply that I have given. The facts I think are well known to most members of this House and indeed to the world at large, that personal liberty and political freedom, as we understand it, do not exist in Soviet Russia.

*Further Supplementary Question by the Third Lagos Member (The Hon. Adeleke Adedoyin):—*

Are there other communisms apart from the Soviet Communism?

*Answer—*

**The Hon. the Chief Secretary to the Government :**

There are all sorts and brands of communism that have been advocated from time to time, but I have directed the answer to the kind of communism that we see in practice in Soviet Russia today.

*Further Supplementary Questions by the Second Lagos Member (Dr the Hon. N. Azikiwe):—*

Has communism been illegalised in the United Kingdom?

*Answer—*

**The Hon. the Chief Secretary to the Government :**

No, Sir.

**The Second Lagos Member (Dr the Hon. N. Azikiwe):**

Will it be illegalised there?

*Answer—*

**The Hon. the Chief Secretary to the Government :**

I have no means of knowing, but I imagine not.

**The Second Lagos Member (Dr the Hon. N. Azikiwe):**

Why then should the United Kingdom continue to maintain relations with a State whose political philosophy has been so explained, if even in a distorted form?

*Answer—*

**The Hon. the Chief Secretary to the Government :**

I think it is quite clear that questions must be directed to official members on matters within their cognisance and within their functions. It is not my function to answer for His Majesty's Government.

## MOTIONS

**The Hon. the Financial Secretary :**

Sir, I rise to move the following resolution standing in my name:—

## RESOLUTION

MADE UNDER

THE CUSTOMS ORDINANCE

(Chapter 48)

In exercise of the powers conferred by section 11 of the Customs Ordinance, it is hereby resolved by the Legislative Council as follows:—

1. This resolution may be cited as the Customs (Amendment of Short title. Export Duties) Resolution, 1950.

2. Part II of the First Schedule to the Customs Ordinance is hereby amended by the deletion of items 2 to 17 inclusive and the paragraph immediately following, and by the substitution therefor of the following—

Amendment of Part II of the First Schedule to Cap. 48.

[F.S.]

[Motion]

			£	s	d
" 2. CATTLE HIDES ...	... the ton ...	...	18	0	0
3. GOAT SKINS ...	... the ton ...	...	50	0	0
4. SHEA NUTS ...	... the ton ...	...	2	0	0
5. SHEEP SKINS ...	... the ton ...	...	30	0	0
6. TIN OR TIN ORE ...	... the ton ...	...	0	7	8
7. COCOA ...					
8. GROUNDNUTS					
9. GROUNDNUT OIL					
10. GROUNDNUT MEAL					
11. GROUNDNUT CAKE					
12. PALM KERNELS					
13. PALM KERNEL OIL					
14. PALM KERNEL CAKE					
15. PALM KERNEL MEAL					
16. PALM OIL					
17. BENNISEED ...					

} 6% *ad valorem* calculated in accordance with regulation 103A of the Customs Regulations.

Where any of the goods specified in items 2, 3, 5, 12, 13 and 16 are exported direct across the frontier between the Cameroons under United Kingdom Trusteeship and the Cameroons under French Trusteeship into the latter territory, they shall be exempt from duty ”.

RESOLVED by the Legislative Council this      day of      , 1950.

*Clerk of the Legislative Council.*

The export duty on those commodities which are marketed under the control of the statutory Marketing Boards, namely, cocoa, groundnut, meal and cake derived therefrom, palm kernels and the oil, meal and cake derived therefrom, palm oil and benniseed are, at present, specific duties; that is to say, they are levied at so much per ton. When these duties were varied in 1948, it was stated in this Honourable House that the duties represented an amount of about 11 per cent of the “port” price. When they were again varied in 1949, they were said to be kept at about this percentage of the “port price” but an attempt was also made to relate them to the price in the world market and this gave a figure of 6 per cent.

Since the duties were last revised, the prices in the world market have tended to increase but, under the present system, this increase in prices brings no increase in the yield to revenue of the export duties. It is desirable that the yield to revenue should vary proportionately with the price obtained in the world market for each crop. It is therefore proposed that the various specific duties should be altered to *ad valorem* duties.

Such a change in the system requires that there should be a definition of the “value” on which the *ad valorem* duties are calculated. It is proposed, therefore, that the duty should be 6

[F.S.]

[Motion]

per cent of the price actually obtained by the various Marketing Boards from the Nigeria Produce Marketing Company Limited. It will be necessary to provide, however, for the occasional case in which "controlled" produce is marketed otherwise than through the Marketing Boards. It is proposed that in such cases the duty should be 6 per cent of the price determined by the Comptroller of Customs and Excise as the selling price of such produce (the Comptroller's determination being made administratively by reference to such evidence as he requires).

These methods of assessing the export "value" for the purpose of this resolution have been embodied in the Customs Regulations as regulation 103A.

The effect of the adjustments in these duties will be to add about £200,000 to revenue this year and, provided that prices do not fall below their present level, a little more than that figure in a full year.

Members will recall that the Marketing Boards do not pay income tax, and it is therefore right and proper that the contributions which the Boards make to Government revenue by way of export duties should bear some relation to the "profits" which the Boards could expect to earn if they were operating on a purely profit making basis.

**The Hon. the Chief Secretary to the Government :**

Sir, I beg to second.

*Motion adopted.*

**The Hon. the Financial Secretary :**

Sir, I rise to move the following motion standing in my name:—

## RESOLUTION

MADE UNDER

### THE CUSTOMS ORDINANCE

(Chapter 48)

In exercise of the powers conferred by section 9 of the Customs Ordinance, it is hereby resolved by the Legislative Council as follows:—

1. This resolution may be cited as the Customs (Amendment of Import Duties) Resolution, 1950. Short title.

2. Part I of the First Schedule to the Customs Ordinance is hereby amended by the insertion of a new item as follows:—

" 23A. PAPER :

(1) Newsprint in reels or in the flat. the cwt £0 4s 0d.

Amends  
Part I of  
First  
Schedule to  
Customs  
Ordinance.



## BILLS

*(Second and Third Readings)*

## THE NATIVE AUTHORITY (AMENDMENT) ORDINANCE, 1950

**His Honour the Acting Chief Commissioner, Western Provinces :**

Your Excellency, I rise to move the second reading of a Bill entitled:—

“ An Ordinance further to amend the Native Authority Ordinance.”

**The Hon. the Senior Resident, Kano Province :**

Sir, I beg to second.

**The Fourth Member for the Eastern Provinces (Dr the Hon. F. A. Ibiam, O.B.E.):**

Your Excellency, I wish to support this Bill, particularly with reference to clause No. 3, where it is provided that education rate should be instituted. As we all know, Sir, education is very much sought after in this country. Before now it was not possible for Native Authorities to use their funds in helping to advance primary education, so I am pleased, Sir, to see that this clause has been inserted here, making it possible for education rate to be established and the imposition of rates to be put forward by the Native Authorities. I hope, Sir, that like the motion which was put before us recently in this House by the Honourable the Financial Secretary, Government would make other provisions to encourage primary education in this country.

I support the Bill, Sir.

**His Excellency :**

The question is the Bill be read a second time.

*Bill read a second time.*

*Council in Committee.*

*Enactment.*

*Clause 1.*

*Clause 2.*

**His Honour the Acting Chief Commissioner, Western Provinces :**

I rise to move that sub-clause (2) of clause 2 be amended to read as follows:—

“ Where any chief or other person who has been appointed to any office of Native Authority in accordance with the provisions of paragraph (a) of sub-section 1 of section 5 is temporarily absent from Nigeria or is absent from the area of his jurisdiction, but within Nigeria, for a prolonged period, or is temporarily incapacitated through illness or

[*Ag.C.C.W.P.*][*The Native Authority Ordinance*

other cause from fulfilling his functions, the Governor may by notice in the Gazette appoint a person in place of such Native Authority during his absence or incapacity.”

Your Excellency, this proposed amendment, which I hope the House will find acceptable, follows resolutions in the House of Chiefs in the North and also the Northern House of Assembly. All must agree that provision for the absence of a Chief within Nigeria for any prolonged period or through incapacity by illness, etc., should be included at the same time as provision for his temporary absence in the United Kingdom.

**His Excellency :**

Do you refer to (2) and (3)?

**His Honour the Acting Chief Commissioner, Western Provinces :**

No, Sir, I was going to take sub-clause (3) separately.

**His Excellency :**

The question is that sub-clause (2) of clause 2 be amended in terms of the motion.

**His Honour the Acting Chief Commissioner, Western Provinces :**

I rise to move that sub-clause (3) of clause 2 should be amended in the following terms:—

“ Where the Native Authority for any area is either a Chief associated with a Council or a Chief who, under the provisions of section 34, has appointed an Advisory Council, and such Chief is temporarily absent or is incapacitated in the circumstances mentioned in sub-section 2, the Council or the Advisory Council, as the case may be, shall be deemed to be the Native Authority of the area during the absence or incapacity of the Chief.”

Sir, the reason for this amendment is the same as for the amendment to sub-clause 2.

**His Excellency :**

The question is that sub-clause (3) of clause 2 of the Bill be amended in terms of the motion?

*Clause 2 as amended.*

*Clause 3.*

**His Honour the Acting Chief Commissioner, Western Provinces :**

Sir, I rise to move that clause 3 should be amended to read as follows:—

Sub-section (1) of section 25 of the principal Ordinance is hereby amended by the insertion, immediately after paragraph (xxx), of the following paragraph—

“ (xxxi) For the imposition of a rate (to be known as the Education Rate) the proceeds whereof shall be paid to the Native Authority, provided that where under the

provisions of section 26 of the Education Ordinance, 1948, a Local Education Authority has been established for the area of jurisdiction of the Native Authority, the imposition of such a rate and the expenditure of the proceeds thereof shall be subject to the approval of such local Education Authority."

Sir, this is an amendment which all the Regions suggested, for two reasons. As the clause stands the rate cannot be levied until a Local Education Authority has been established, and this can only be achieved on application to the Deputy Director of Education—the Regional Director of Education. These Regions are very large; before the Regional Director can make full arrangements for every Native Authority area to have a proper scheme for a Local Education Authority, time might pass. It is the wish of all Native Authorities, as I understand, that until they have such Local Education Authorities they should still be allowed to levy such a rate and disburse it, naturally with the advice of the Education Department, in assisting some mission school perhaps to put pan roofs on their houses or to supply furnishings, or perhaps even to put it into some deposit account against further later capital expenditure.

That is the principal cause for the proposed amendment, Sir. The concluding part of the amendment has been added because it is necessary that the collection of the money and its disbursement should be undertaken by the Native Authorities, who already have all the convenience and facilities of Native Treasuries. The Education Authority, as such, would not have suitable machinery for this and it would mean setting up unnecessary offices; therefore greater expenditure would be involved.

**His Excellency :**

The question is that clause 3 be amended in terms of the motion.

*Clause 3 as amended.*

*Clause 4.*

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama) :**

Your Excellency, I do not want to make a speech about this, but sub-clause 2 strikes me as one which is fraught with dangers. When I talk of danger I do not mean any physical harm to anybody but there is a possibility of a conflict. It says . . . "any delegation made under the provisions of sub-section 1 shall be revocable at will, and no such delegation shall be deemed to prevent the exercise of any delegated function by the Native Authority by whom such delegation is made". That really means that you can have at the same time both Native Authority and the Authority to which delegation has been made exercising the same function, and it

[Hon. C. D. Onyeama]

[The Native Authority Ordinance]

appears to me that there might well be a conflict in the exercise of the functions; so I do not feel very happy about the clause and I would suggest that the words "and no such delegation shall be deemed to prevent the exercise of any delegated functions by the Native Authority by whom such delegation is made" be deleted and the whole matter left to be construed under the Interpretation Ordinance which deals with what happens when a power has been delegated; that is to say, I suggest that the sub-clause should read "any delegation made under the provision of sub-section (1) shall be revocable at will."

**The Hon. the Acting Attorney-General :**

Perhaps I might explain, Sir, that at common law, quite apart from statute, where a principal appoints an agent the principal has concurrent power with that of the agent and I might explain that even if the words which my learned friend suggests should be cut out from this clause were omitted, there would still be this power. So I think that whether regarded from the point of view of statute or common law, where a delegation is given the power of the principal runs concurrently with the power of the delegate, and I see no objection to that.

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama) :**

I ask whether the Government has any objection to the deletion of the words.

**The Hon. the Acting Attorney-General :**

I have no objection as I do not think it makes a shred of difference. The only thing is that having the words there, there can be no argument among the lawyers.

*(Laughter).*

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama) :**

In that case, might I formally move an amendment to the effect that the words be deleted.

**The Third Lagos Member (The Hon. Adeleke Adedoyin) :**

I second that.

**His Excellency :**

It is good to second it, but this is not necessary in committee.

**The Hon. the Acting Attorney-General :**

I think that we ought to stand by what we have done here. It does make for the removal of doubt if these words are preserved. My opinion is that the removal would not make any difference as a matter of law, but there is another thing with which we are involved here, and it is to make it quite plain to the ordinary man

[H.E. the Governor]

[The Native Authority Ordinance]

**His Excellency :**

The question is in terms of the motion, that sub-clause 2 of clause 4 be amended as proposed.

*Motion not adopted.*

The question is that clause 4 stand part of the Bill.

*Motion adopted.*

*Clauses 5, 6, and 7.*

*Title.*

*Council resumes.*

**His Honour the Acting Chief Commissioner, Western Provinces :**

Sir, I beg to report this Bill from Committee with three amendments and to move that the Bill as amended be read a third time and passed.

*Bill read a third time and passed.*

THE EDUCATION (AMENDMENT) ORDINANCE, 1950

**The Hon. the Director of Education :**

Your Excellency, I rise to move the second reading of a Bill entitled:—

“ An Ordinance to amend the Education Ordinance, 1948 ”

**The Hon. the Development Secretary :**

Sir, I beg to second.

*Bill read a second time.*

*Council in Committee.*

*Enactment.*

*Clauses 1 and 2.*

*Title.*

*Council resumes.*

**The Hon. the Director of Education :**

Sir, I beg to report this Bill from Committee without amendment and to move that it be read a third time and passed.

*Bill read a third time and passed.*

THE EXCHANGE CONTROL ORDINANCE, 1950

**The Hon. the Financial Secretary :**

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

“ An Ordinance to confer powers, and impose duties and restrictions, in relation to gold, currency, payments,

[F.S.]

[*The Exchange Control Ordinance*]

securities, debts, and the import, export, transfer and settlement of property, and for purposes connected with the matters aforesaid."

**The Hon. the Development Secretary :**

Sir, I beg to second.

*Bill read a second time.*

**The Hon. the Financial Secretary :**

Sir, I beg to move that this Bill be sent to a Select Committee of this Honourable House. This Bill is a long, technical and complicated Bill. I myself have some twenty-seven amendments of a minor nature which I intend to move in the committee stage and I think it would be in the interests of this House and the interests of the timetable of this House if this Bill were referred to a small Select Committee, the composition of which will be announced by Your Excellency at a later stage of this meeting.

**The Hon. the Chief Secretary to the Government :**

Sir, I beg to second.

*Bill referred to Select Committee.*

THE ALIENS (DEPORTATION) (AMENDMENT) ORDINANCE, 1950

**The Hon. the Acting Attorney-General :**

Your Excellency, I beg to move that the Bill entitled :—

“ An Ordinance to amend the Aliens (Deportation) Ordinance.”

be read a second time.

**The Hon. the Chief Secretary to the Government :**

Sir, I beg to second.

*Bill read a second time.*

*Council in Committee.*

*Enactment.*

*Clauses, 1, 2 and 3.*

*Title.*

*Council resumes.*

**The Hon. the Acting Attorney-General :**

Your Excellency, I beg to report this Bill from Committee without amendment and to move that it be now read a third time and passed.

*Bill read a third time and passed.*

THE PRODUCE INSPECTION ORDINANCE, 1950

**The Hon. the Development Secretary :**

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

[Dev. Sect.]

[The Produce Inspection Ordinance]

he proposes to move to clause 25 (3), I can say we shall be entirely prepared to accept it. There is a similar provision in the Cocoa Marketing Board Ordinance.

*Bill read a second time.*

*Clauses 1 and 2.*

*Clause 3.*

**The Hon. the Development Secretary:**

I move Sir, in clause 3, the definition of the word "examiner" in the first line should be altered to read "Inspector". It is a change of title; the title "examiner" is obsolete.

**His Excellency:**

What will the definition be in future?

**The Hon. the Development Secretary:**

"Examiner" Sir, means "Produce Inspector".

*Clause 3 as amended.*

**The Hon. the Development Secretary:**

In clause 3 Sir, another amendment. After the definition of "possess for sale" insert new definition:—

"prescribed" means prescribed under the provisions of this Ordinance or of any regulations made thereunder."

This amendment is desired solely for the purposes of clarification.

*Clause 3 as further amended.*

*Clause 4.*

*Clause 5.*

**The Second Member for the Northern Provinces (The Hon. Abubakar Tafawa Balewa):**

In clause 5 Sir, under the Registrar of Co-operative Societies, I would like to amend it by inserting one member appointed by the House of Chiefs.

*Clause 5 as amended.*

*Clause 6.*

*Clause 7.*

**The Hon. the Development Secretary:**

In clause 7 Sir, in sub-section 6 thereof, after the word "members" include the words:—

"one of whom shall be a member appointed by a House of Assembly."

This was an amendment sought in the Western House of Assembly, which, if the House agrees, we are prepared to accept.

**The Hon. the Chief Secretary to the Government:**

Excuse me Sir, in view of the amendment which has just been moved, I think it should read "Regional House" instead of "House of Assembly".

[*Hon. C. D. Onyeama*][*The Produce Inspection Ordinance*]**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama):**

Your Excellency, the amendment is not clear to me. I don't know whether it is proposed there should be a member from each of the Regional Houses, or any member from any Regional House.

**The Hon. the Development Secretary:**

Any one Member of a Regional House. I think the purpose of the amendment was to make sure that there should not be a snap decision on a quorum consisting of only official members and not containing any members of any of the Regional Houses.

*Clause 7 as amended.*

*Clause 8.*

**The Hon. the Development Secretary:**

Clause 8 Sir, I move that two paragraphs be inserted.

Paragraph (r) to read:—

“ providing for the appointment of markets and inspection stations ”.

Then the present clause (r) to be renumbered as (s), and a further clause be added—clause (t):—

“ generally for the better carrying into effect the provisions of this Ordinance ”.

The reason for the first proposed amendment Sir, is that in order to facilitate orderly marketing, it is desirable that the Board should have power to provide for the appointment of Market and Inspection Stations. Clearly it would be impossible for Produce Inspection to be carried out in any kind of orderly manner if it had to be done wherever a buyer or seller asked for it to be done. The second amendment is a general enabling clause such as is normal in all regulations.

*Clause 8 as amended.*

*Clauses 9 to 11.*

*Clause 12.*

**The First Nominated Member (The Hon. P. J. Rogers):**

Your Excellency, I move that clause 12 sub-section (2) is amended by deleting the words “ Board, who ” in line 4, and substitute “ A Committee of not less than three persons appointed by the Governor in Council for the purpose of determining such appeals and such committee.” It then carries on as in the original.

*Clause 12 as amended.*

*Clause 13.*

**The First Nominated Member (The Hon. P. J. Rogers):**

Your Excellency, I move that clause 13 (2) is amended by deleting the words “ Board, who ” in line 3 and substituting “ a



**The Hon. the Chief Secretary to the Government :**

The Honourable Member is moving a deletion of sub-section 2?

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama) :**

I would prefer that the Honourable Development Secretary would either justify its inclusion, or be good enough to remove it. I don't want a long debate on the point, but is there any reason why it should be included.

**The Hon. the Chief Secretary to the Government :**

I think that it would be somewhat unreasonable before moving any proposal in this House to demand to know in advance what the Government's re-action is likely to be.

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama) :**

I move that sub-clause 2 be deleted.

*Agreed that sub-clause 2 be deleted.*

**His Excellency :**

I shall now put the new clause 23 with the amendment,—the question is that the new clause 23 stands as part of the Bill.

*Clause 23 as amended.*

**The Hon. the Development Secretary :**

All clauses from 22-31 should be renumbered as clauses 24-33 inclusive.

*Clause 22 renumbered 24.*

*Clause 23 renumbered 25.*

*Clause 24 renumbered 26.*

*Clause 25 renumbered 27.*

**The First Nominated Member (The Hon. P. J. Rogers) :**

I move that we amend sub-clause 3 of sub-section 25, renumbered 27, by the addition of the following words:—

“ If the Board fails to accept the advice offered on any matter within the scope of sub-clause (2), the Chairman shall forthwith report the matter to the Governor in Council with the reasons for such refusal ”.

*Clause 25 renumbered 27 as amended.*

*Clause 26 renumbered 28.*

*Clause 27 renumbered 29.*

*Clause 28 renumbered 30.*

*Clause 29 renumbered 31.*

*Clause 30 renumbered 32.*

*Clause 31 renumbered 33.*

*Schedule.*

*Title.*

[*Dev. Sect.*][*The Produce Inspection Ordinance*]*Council resumes.***The Hon. the Development Secretary :**

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

**The Hon. the Director of Agriculture :**

Sir, I beg to second.

*Bill read a third time and passed.*

**His Excellency :**

I understand that it is the wish of Honourable Members that on subsequent days we might meet at 9.30 a.m. instead of 10 o'clock, and to break for a short period. As we met today at 10 o'clock I feel this might be a convenient time in which to have a break.

*Council adjourned at 11.30 a.m.*

*Council resumed at 11.50 a.m.*

## THE AGRICULTURAL ORDINANCE, 1950

**The Hon. the Director of Agriculture :**

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

“ An Ordinance to make provision for regulating the Planting and Growing of Agricultural Crops, for the Control of Plant Diseases and Pests and for matters connected therewith.”

**The Hon. the Development Secretary :**

Sir, I beg to second.

*Bill read a second time.*

*Council in Committee.*

*Enactment.*

*Clauses 1 to 18.*

*Title.*

*Council resumes.*

**The Hon. the Director of Agriculture :**

Sir, I beg to report the Bill from Committee without amendment and I move that the Bill be now read a third time and passed.

**The Hon. the Development Secretary :**

Sir, I beg to second.

*Bill read a third time and passed.*

## THE PRISONS (AMENDMENT) ORDINANCE, 1950

**The Hon. the Acting Attorney-General :**

Your Excellency, I beg to move that a Bill intituled:—

“ An Ordinance to amend the Prisons Ordinance ”

be read a second time.

[Hon. A. Obisesan]

[The Labour Code Ordinance]

the principle of self-help in the building of roads, sanitation work and other communal services, in their villages, and the people did not consider it to be forced labour. Now, Sir, if you come to the Western Provinces you will find the people clamouring for roads and buildings, but most of the roads in the Western Provinces have been built by the efforts of the people.

I feel, Sir, that this is the kind of Bill that every patriotic man would want to support because the people themselves want it. I am not advocating, Sir, that there should be forced labour: there is nothing like that in this country.

Your Excellency, there is nothing new in this Bill and I strongly support it.

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama):**

Your Excellency, there is something in clause 9 which causes me some difficulty. The proviso to clause 9 requires what is termed "a substantial majority", but that term has not been defined either in the amended Bill or in the original Ordinance. Such a vague term is to my mind, Sir, out of place in such a Bill. There should be a more precise definition of what is meant by "a substantial majority", but beyond that I have nothing against the Bill.

**The Member for the Colony (The Rev. & Hon. T. A. J. Ogunbiyi, O.B.E.):**

I rise to say, Sir, on behalf of the Colony Division that we welcome clause 9 of the Bill.

**The Hon. the Commissioner of Labour:**

First of all I should like to assure the House that the operation of sub-section 4 of clause 4 will certainly not be used to stultify the good intentions of the section.

On the question of clause 9 there is little I can usefully add to what has already been said. I should like to say that the type of labour referred to in this section is not forced labour under any International Labour Convention. It is specifically excluded from that definition.

With regard to the use of the word "substantial", I suggest it is undesirable in this type of legislation to deal with figures and precise percentages when the idea really is that of people acting together in agreement. But it was desired to emphasise that it was not to be a mere majority of one in a community and that it should be the general will of the people. If some better formula could be proposed we should have no objection, of course, to including it.

*Bill read a second time.*

*Council in Committee.*

*Enactment.*

[Com. of Labour]

[The Labour Code Ordinance]

*Clauses 1, 2, and 3.**Clause 4.***The Hon. the Commissioner of Labour :**

I move that sub-section (1) of section 19, which is contained in clause 4 should be deleted and replaced by the following words:—

“ No advance in excess of the sum of £1 shall be paid in respect of wages to any worker, not being a recruited worker, either prior to his assuming employment or during the period of his employment.”

The intention and meaning of these words are the same as the words used in the original, but they are thought to be clearer.

*Clause 4 as amended.**Clause 5.**Clause 6.***The Hon. the Commissioner of Labour :**

Sir, I move that immediately after clause 6 a new clause be inserted as follows:—

“ The principal Ordinance is hereby amended by the insertion immediately after section 87 thereof of the following new section 87 (a):—

‘ Upon the completion of any contract under the provisions of this Part, there shall be paid to the authorised labour officer for Government by the employer or his agent a capitation fee of such sum in respect of each worker as may be fixed, either generally or in respect of any particular recruiting operation, by order of the Governor in Council.’ ”

That section is already in the main Ordinance where it appears as section 98, and as section 98 it is in a part which applies only to recruited workers outside Nigeria, whereas it is intended to apply to all recruited workers. This amendment shifts the section into a part which does not apply to all recruited workers. I would move, together with this, Sir, that section 7 be consequentially re-numbered 8.

*New clause 7.**Clause 7 renumbered 8.***His Excellency :**

The question of the repeal of section 8 will be taken up separately.

**The Hon. the Commissioner of Labour :**

I propose that a new clause 9 be inserted immediately after the re-numbered clause 8, which will read:

“ Section 98 of the principal Ordinance is hereby repealed.”  
This will complete the operation I have described.

[H.E. the Governor]

[The Labour Code Ordinance]

*Agreed.**Title.**Council resumes.***The Hon. the Commissioner of Labour :**

Sir, I beg to report the Bill from Committee with amendments. I beg to move that the Bill as amended be now read a third time and passed.

**The Hon. the Acting Attorney-General :**

Sir, I beg to second.

*Bill read a third time and passed.*

THE WEST AFRICAN INSTITUTE FOR TRYPANOSOMIASIS RESEARCH  
ORDINANCE, 1950.

**The Hon. the Director of Medical Services :**

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

“ An Ordinance for the establishment of an Institute to undertake Research into matters relating to Trypanosomiasis, for the incorporation of a Committee to manage the Institute and for other purposes connected therewith.”

**The Hon. the Development Secretary :**

Sir, I beg to second.

*Bill read a second time.*

*Council in Committee.*

*Enactment.*

*Clauses 1 to 17.*

*Title.*

*Council resumes.*

**The Hon. the Director of Medical Services :**

Sir, I beg to report this Bill from Committee without amendment and to move that the Bill be now read a third time and passed.

**The Hon. the Development Secretary :**

Sir, I beg to second.

*Bill read a third time and passed.*

THE CONSULAR CONVENTIONS ORDINANCE, 1950

**The Hon. the Acting Attorney-General :**

Sir, I beg to move that a Bill entitled “ An Ordinance to make provision for the Conferring of certain Powers upon Consular Officers of Foreign States with which Consular Conventions are concluded by His Majesty and for matters connected therewith ”, be read a second time.

**The Hon. the Chief Secretary to the Government :**

I beg to second.

[*Dr. the Hon. N. Azikiwe*]

[*The Consular Conventions Ordinance*]

**The Second Lagos Member (Dr the Hon. N. Azikiwe):**

Sir, in supporting this Bill I wish to say that, other things being equal, diplomatic privileges and immunities are usually extended on the basis of reciprocity. I look forward to the time when this country will have the privilege of appointing its own Consular Officials to enjoy what we are now extending to other countries without having any direct reciprocal benefit except through the diplomatic service of the United Kingdom.

*Bill read a second time.*

*Council in Committee.*

*Enactment.*

*Clauses 1 to 9.*

*Title.*

*Council resumes.*

**The Hon. the Acting Attorney-General:**

Your Excellency, I beg to report this Bill from Committee without amendment, and I now move that the Bill as amended be read a third time and passed.

**The Hon. the Chief Secretary to the Government:**

Sir, I beg to second.

*Bill read a third time and passed.*

THE NIGERIA OIL PALM PRODUCE MARKETING (AMENDMENT)  
ORDINANCE, 1950

**The Hon. the Development Secretary:**

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

“An Ordinance to amend the Nigeria Oil Palm Produce Marketing Ordinance, 1949”.

**The Hon. the Financial Secretary:**

Sir, I beg to second.

*Bill read a second time.*

*Council in Committee.*

*Enactment.*

*Clauses 1 and 2.*

*Title.*

*Council resumes.*

**The Hon. the Development Secretary:**

Sir, I beg to report this Bill from Committee without amendment and to move that the Bill be now read a third time and passed.

**The Hon. the Financial Secretary:**

Sir, I beg to second.

*Bill read a third time and passed.*

THE NIGERIA GROUNDNUT MARKETING (AMENDMENT)  
ORDINANCE, 1950

**The Hon. the Development Secretary :**

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

“ An Ordinance to amend the Nigeria Groundnut Marketing Ordinance, 1949 ”.

**The Hon. the Financial Secretary :**

Sir, I beg to second.

*Bill read a second time.*

*Council in Committee.*

*Enactment.*

*Clauses 1 and 2.*

*Title.*

*Council resumes.*

**The Hon. the Development Secretary :**

Sir, I beg to report this Bill from Committee without amendment and to move that the Bill be now read a third time and passed.

**The Hon. the Financial Secretary :**

Sir, I beg to second.

*Bill read a third time and passed.*

THE NIGERIA COAL CORPORATION ORDINANCE, 1950

**The Hon. the Chief Secretary to the Government :**

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

“ An Ordinance to provide for the Establishment of a Corporation to be known as the Nigerian Coal Corporation, for the transfer to the Corporation of all Colliery Undertakings of the Government and for purposes connected with the matters aforesaid.”

**The Hon. the Development Secretary :**

Sir, I beg to second.

**The Fourth Member for the Eastern Provinces (Dr the Hon. F. A. Ibiam, O.B.E.):**

Your Excellency, in the Eastern House of Assembly when we considered this Bill it was well received, and I rise to give my very strong support to this Bill. I would like to repeat that when the new Corporation is formed it would find ways and means to use by-products for making tar so that we may be able to use it for tarring our roads which, in the wet season, are usually very bad. Also that means would be found to see that coal is used as ordinary fuel in places where it is very difficult at present to get wood. I I support the Bill.

[Hon. Adeleke Adedoyin]

[The Nigeria Coal Corporation Ordinance]

**The Third Lagos Member (The Hon. Adeleke Adedoyin):**

I rise to support this Bill. It is an implementation of what Government has been leading us to believe for a long time that all Government Undertakings that are really more or less commercial will be handed to Corporations. We are looking forward, Sir, very soon to having a Bill before this House for the handing over of the establishment staff and workings of the Nigerian Railway to a Corporation.

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama):**

I support this Bill, Sir, and there is only one thing which causes me some degree of concern. It is to be found in clause 18, which provides that compensation payable shall be determined, in the absence of agreement between the parties, by the District Officer. I should like, Sir, that this Corporation in all its dealings should have as little connection with the Central Government as possible, and that it should to all intents and purposes be treated as a purely private body. There is always bound to be some degree of suspicion if the land owner feels that the compensation to be paid to him ultimately should be determined by the Administration. To my mind the principle of the Bill, Sir, is to be recommended.

**The Hon. the Chief Secretary to the Government:**

I have little to say, Sir, in reply, since it is clear that the chief purpose of the Bill has met with the approval of the Regional Houses and of this Council. The Hon. the Third Member for Lagos is in full agreement with the Government's general purpose and policy on this matter. We hope to carry that policy further in the future. On the point which the Honourable Member for the Eastern Provinces has raised, I wish to draw attention to the fact that there is provision for arbitration—which I expect would be used in any case of major dispute. That point is I think a matter better dealt with in Select Committee than here, and I shall subsequently move that the Bill go to Select Committee.

*Bill read a second time.*

**The Hon. the Chief Secretary to the Government:**

I now wish to move that the Bill should be referred to a Select Committee.

**The Hon. the Development Secretary:**

Sir, I beg to second.

*Bill referred to Select Committee.*

**THE INCOME TAX (AMENDMENT) ORDINANCE, 1950****The Hon. the Financial Secretary:**

I rise to move that the Bill entitled:—

“ An Ordinance further to amend the Income Tax Ordinance ”  
be read a second time.



**The Hon. the Acting Attorney-General :**

Sir, I beg to second.  
*Bill read a second time.*  
*Council in Committee.*  
*Exactment.*  
*Clause 1.*  
*Clause 2.*

**The Hon. the Financial Secretary :**

Sir, I rise to move that clause 2 be deleted in *toto* as it has been found unnecessary to make statutory provision for the creation of a trustee under a trust created by a will.

*Carried.*

**His Excellency :**

Subsequent clauses will be re-numbered.

*Clause 3 renumbered 2.*

*Clause 4 renumbered 3.*

*Clause 5 renumbered 4.*

**The Hon. the Financial Secretary :**

I rise to move that in clause 5 paragraph (a) in the first line the comma after the word "(e)" be deleted and a semi-colon be substituted therefor. And following that that the words "at such date" inclusive be deleted. The reason for this amendment is that it has been found that the clause as amended will achieve the required object of removing any impediment to wear and tear allowance being granted in respect of the year of purchase of an asset.

**The Fourth Member for the Eastern Provinces (Dr the Hon. F. A. Ibiam, O.B.E.):**

There is no comma in my copy.

**His Excellency :**

I am having the same trouble myself.

**The Hon. the Financial Secretary :**

There is none in mine either, but there is supposed to be one there.

**His Excellency :**

The question is that clause 5 be amended in the terms of the motion.

*Clause 5, renumbered 4, as amended.*

*Clause 6 renumbered 5.*

*Clause 7 renumbered 6.*

[F.S.]

[The Income Tax Ordinance]

**The Hon. the Financial Secretary :**

Sir, with regard to clause 7, paragraph (d), I beg to move that the semi-colon at the end of paragraph (d) be deleted and a full-stop substituted therefor, and that paragraph (e) be deleted. It has been found that the matter raised in paragraph (e) requires further consideration.

*Clause 7, renumbered 6, as amended.*

*Clause 8 renumbered 7.*

*Clause 9 renumbered 8.*

**The Hon. the Financial Secretary :**

With reference to paragraph 9, I beg to move that in the first line the figure (1) be inserted immediately after the number 9. Secondly, Sir, that in paragraph (b) the word "sixth" in the second line be deleted and the word "fifth" substituted. That is a drafting error.

Thirdly, that a new sub-section (2) be added to read as follows:—

" Paragraph (g) of section 22 of the principal Ordinance is hereby amended by the deletion of proviso (i) thereto and the substitution therefor of the following:—

' (i) no such deduction shall be allowed for such insurance except in respect of premiums payable on policies for securing a capital sum on death, whether in conjunction with any other benefit or not, and the amount of the deduction allowed shall not exceed ten *per centum* of that capital sum, exclusive of any additional benefit by way of bonus, profit or otherwise; ' "

The object of this new sub-section is to exclude as an allowance deductible from assessable income a pure endowment policy, which secures simply a payment at a fixed date and which does not, as in an ordinary endowment policy, secure a payment at a fixed date or on prior death. To include the former would merely mean that a portion of income could secure exemption from income tax merely by saving in the form of a pure endowment policy.

*Clause 9, renumbered 8, as amended.*

**The Second Lagos Member (Dr the Hon. N. Azikiwe):**

Clause 10, Sir. On a point of information Sir I should like to know whether the exemption from taxation of the persons mentioned here includes civil members of the Order of the British Empire or only military members?

**The Hon. the Financial Secretary :**

It would include persons in both.

**The Second Lagos Member (Dr the Hon. N. Azikiwe):**

I would amend that particular clause so that it should be restricted to the military and not extended to the civil, division.

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama):**

On a point of information, I want to understand what is a Medal of the Order of the British Empire. Is it the ordinary conferment of the Order on a civilian? The term "medal" here confuses me. What is meant by the medal or the order?

**The Hon. the Chief Secretary to the Government:**

There is a decoration, as Honourable Members are aware, known as the British Empire Medal which is under the Order of the British Empire. I think the intention of the definition is to include that medal. The general intention—as the Honourable the Second Member for Lagos mentioned just now—is I think to restrict the benefit to holders of military decorations. It seems to me that the definition might be restricted to awards under the Military Division of the Order.

**His Excellency:**

If the Chair may intervene, I do not think there are two divisions.

**The Hon. the Chief Secretary to the Government:**

It has just been pointed out to me that the King's Police Medal and the George Cross are not military decorations.

**His Excellency:**

If the Chair may again intervene, having some experience on the subject, the Order of the British Empire consists of several classes down to the Fifth Class, which is a Member of the Order of the British Empire. Below that there is the British Empire Medal which is conferred both for civil services and for actions of gallantry. When the amendment was under consideration in Executive Council we directed ourselves to the very point raised by the Honourable the Second Member for Lagos, that this exemption from taxation would be granted only for actions of gallantry. I think we were advised that it was impossible to make this distinction with the British Empire Medal. There are not two divisions of the medal, and if it is desired to restrict exemption to gallantry it would mean some extra definition in the Bill before us, which may be difficult but not insoluble.

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama):**

It appears to me, Sir, that the whole idea of taxation is to get some return from income, and if someone has been decorated for

[Hon. C. D. Onyeama]

[The Income Tax Ordinance]

gallantry and is not incapacitated and is still earning his income, I would have thought that he might make a small contribution to the commons exchequer.

**His Excellency :**

Can I be advised of what the principal Ordinance says with regard to the British Empire Medal. Perhaps the Honourable the First Member for the Eastern Provinces can help us here.

*(First Member for Eastern Provinces hands over principal Ordinance to the Attorney-General).*

**The Hon. the Acting Attorney-General :**

The clause now reads :—“ Any person who has been awarded the Victoria Cross, the Medal of the Order of the British Empire, the Distinguished Conduct Medal, the Military Medal, the Distinguished Service Medal, the Meritorious Service Medal or the King's Police Medal for Gallantry.”

**His Excellency :**

With regard to the medal under discussion there is no change. The main purpose is to include the George Cross and the George Medal which have been brought in since the principal Ordinance was enacted.

The question before the Council is really whether or not to exclude the holder of the British Empire Medal for Gallantry or not, because of the wide definition.

**The Third Lagos Member (The Hon. Adeleke Adedoyin) :**

This is a matter which concerns income tax and I am just wondering whether, as the First Member for the Eastern Provinces has said, you don't generally get men of straw receiving the Order of the British Empire but men who earn a lot of income and who could contribute to the exchequer of the country. I am not speaking against people who have fought in battles, but I do not think it is equitable when Emirs and Obas pay tax, that these people should not make their contribution. I agree that something should be done to show our appreciation of gallantry, but I do not think it is equitable in cases of people who are just recommended for the Order of the British Empire. I do not think that the holder of the Medal of the Order of the British Empire should be exempted from income tax. It is quite a different matter when the medal is awarded for gallantry. If we can distinguish them, so much the better, but if we cannot then I am sorry I shall not agree that anyone who has not fought for the country physically should be exempted from paying income tax, merely because he has an O.B.E. attached to his name.

**The Second Member for the Northern Provinces (The Hon. Abubakar Tafawa Balewa):**

May I correct a wrong statement by the last speaker—Emirs in the North do not pay tax.

**The Third Lagos Member (The Hon. Adeleke Adedoyin):**

I still maintain that some Obas in the Western Region do pay tax.

**The Oni of Ife (The Hon. Sir Adesoji Aderemi, K.B.E., C.M.G.):**

Your Excellency, the last speaker seems to be under misconception that the people who receive O.B.E., M.B.E., C.B.E., and so on are referred to in this clause. I think he has made a mistake; it is the British Empire Medal, which is an award for gallantry, not for decorations of that order awarded for ordinary public services. Perhaps if he knows that, he will not furthermore oppose it. If the words are altered to "British Empire Medal" instead of the Order of the British Empire, perhaps he will withdraw his objection.

**The Hon. the Financial Secretary:**

If I may be allowed to make two points?

The first one is that the holders of these medals do not thereby qualify for exemption from Income Tax. There is only a very limited number of such holders. I would invite the attention of Honourable Members to paragraph 9 of the Objects and Reasons which states that the holders of these decorations will be exempt from income tax and that they will be taxed only where their incomes do not exceed £150 per annum. The amount of the tax from which they are exempted must therefore be comparatively small. With regard to the difficulties which have arisen, Sir, with reference to the wording of "the Medal of the Order of the British Empire," I would suggest that this requires careful consideration and since it has been in the Ordinance for a considerable number of years, I suggest that it be left there and that further consideration be given to it in the event of another Income Tax (Amendment) Ordinance being introduced into this House. I can promise members that such an amending Ordinance will be presented to this Honourable House at the next meeting of Legislative Council.

**His Excellency:**

Would the Second Lagos Member care to comment on that suggestion?

**The Second Lagos Member (Dr the Hon. N. Azikiwe):**

No, it is agreeable to me.

**His Excellency:**

Does any other Member wish to speak?

The question is that clause 10 renumbered clause 9 stand part of the Bill.

*Agreed.*

*Clause 11 renumbered 10.*

*Clause 12 renumbered 11.*

*Clause 13 renumbered 12.*

*Clause 14 renumbered 13.*

*Clause 15 renumbered 14.*

**The Hon. the Financial Secretary :**

Your Excellency, with reference to clause 15, I will move that in the second line the expression " sub-section " be deleted and the words " sub-sections " substituted therefor, and that following sub-section 3, a new sub-section 4 be introduced which would read:—

Cap. 154. " Notwithstanding any of the provisions of the Criminal Procedure Ordinance a magistrate may dispense with the personal attendance of the defendant if he pleads guilty in writing or so pleads by a legal practitioner."

The object of that additional section is that defendants who plead guilty or who are represented need not appear in court in person.

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama) :**

I am sorry, Sir, but I think there has been a ruling that every plea should be made by the accused himself. I do not know whether a plea by a legal practitioner can be approved in court.

**The Hon. the Acting Attorney-General :**

It most certainly can if it is passed into law because the Ordinance will say so.

**The Third Lagos Member (The Hon. Adeleke Adedoyin) :**

As a matter of expediency, it is a very much welcome section. I would say that it is not a criminal matter; it is more or less a civil matter. The Government would like to recover money or debt owed to it by individuals concerned.—If the defendant admits in writing or through his legal representative, well and good.

**His Excellency :**

Will the Honourable the First Member for the East move an amendment?

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama) :**

No.

**His Excellency :**

The question is that clause 15 renumbered clause 14 stand part of the Bill.

*Agreed.*

*Clause 16 renumbered 15.*

*Clause 17 renumbered 16.*

*Clause 18 renumbered 17.*

**The Hon. the Financial Secretary :**

I rise to move that consequential on these amendments clauses 3 to 18 be re-numbered to read 2 to 17.

*Title.*

*Council resumes.*

**The Hon. the Financial Secretary :**

Sir, I beg to report that the Bill entitled " An Ordinance further to amend the Income Tax Ordinance " has passed through the Committee with several amendments and now move that the Bill be read a third time and passed into law.

*Bill read a third time and passed.*

THE CUSTOMS (AMENDMENT) ORDINANCE, 1950

**The Hon. the Financial Secretary :**

Sir, I beg to move the second reading of a Bill entitled " An Ordinance to amend the Customs Ordinance."

**The Hon. the Acting Attorney-General :**

Sir, I beg to second.

*Bill read a second time.*

*Council in Committee.*

*Enactment.*

*Clause 1.*

**The Hon. the Financial Secretary :**

Sir, I rise to move the following amendment to clause 1 :

For the words " and shall come into operation on a day to be appointed by the Governor by notice in the Gazette " substitute the following—

" and shall come into operation on such day or days as the Governor may by notice in the Gazette appoint, and the Governor may appoint different days for different purposes and different provisions of this Ordinance ".

The object of this amendment, Sir, is that it may not be desirable to bring in all the sections of this Ordinance at one and the same time.

[F.S.]

[The Customs Ordinance]

*Clause 1 as amended.**Clauses 2 and 3.**Clause 4.***The Hon. the Financial Secretary :**

Sir, I rise to propose that immediately after clause 4 the following clause be inserted :—

“ Repeal of the Second and Third Schedules to Cap. 48. 5. The Second and Third Schedules to the principal Ordinance are hereby repealed.”

*New clause 5.*

Sir, I rise to propose that a new clause be inserted immediately after the new clause 5 :—

“ Conse- 6. The amendments specified in the second column of the Schedule to this Ordinance, being amendments of a consequential or minor nature, shall be made in the provisions of the principal Ordinance specified in the first column of that Schedule.”

And the schedule, Sir, which covers some three and a half pages, has been circulated to members and I will not read it to the House.

*New clause 6.**Title.**Council resumes.***The Hon. the Financial Secretary :**

Sir, I beg to report this Bill from Committee with several amendments and to move that the Bill be now read a third time and passed.

*Bill read a third time and passed.***THE NATIVE LANDS ACQUISITION (AMENDMENT) ORDINANCE, 1950****The Hon. the Acting Attorney-General :**

Your Excellency, I beg to move the second reading of a Bill intituled :—

“ An Ordinance further to amend the Native Lands Acquisition Ordinance.”

**The Hon. the Chief Secretary to the Government :**

Sir, I beg to second.

**The Second Lagos Member (Dr the Hon. N. Azikiwe) :**

While I support this Bill and appreciate the objects and reasons for the amendment, I would like the Honourable the Attorney-General to answer this question, so as to clear my mind of any doubt as to the definition of alien : Is there any reason why any company or association or body of persons, corporate or incorporate, should be regarded in our law as alien, when such corporate body is composed solely of natives of Nigeria?



**The Hon. the Acting Attorney-General :**

No. I don't think there is any reason.

**The Second Lagos Member (Dr the Hon. N. Azikiwe) :**

In that case, Sir, I would like to suggest an amendment at the committee stage.

*Bill read a second time.*

*Council in Committee.*

*Enactment.*

*Clause 1.*

*Clause 2.*

**The Second Lagos Member (Dr the Hon. N. Azikiwe) :**

Clause 2, Sir. I wish to amend clause 2 (b) (ii) after the line " of the Land (Perpetual Succession) Ordinance ", by the inclusion of " or any other Ordinance ". That will make it read " Alien " means—

.....  
 (ii) a corporate body incorporated under the provisions of the Land (Perpetual Succession) Ordinance, or any other Ordinance, where such corporate body is composed solely of natives of Nigeria....."

**The Hon. the Acting Attorney-General :**

Your Excellency, I see no objection to that amendment from a legal point of view, and I have consulted my Honourable Friend the Chief Secretary—he sees no objection to it from the point of view of policy.

*Clause 2 as amended.*

*Title.*

*Council resumes.*

**The Hon. the Acting Attorney-General :**

Your Excellency, I beg to report this Bill from Committee with one amendment and move that it be now read a third time and passed.

**The Hon. the Chief Secretary to the Government :**

Sir, I beg to second.

*Bill read a third time and passed.*

THE EASTERN REGION LOCAL GOVERNMENT (AMENDMENT)  
 ORDINANCE, 1950

**His Honour the Acting Chief Commissioner, Eastern Provinces :**

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

“ An Ordinance to amend the Eastern Region Local Government Ordinance, 1950.”

[*Senior Resident, Calabar Province*] [*The Eastern Region Local Government Ordinance*]

**The Hon. the Senior Resident, Calabar Province :**

Sir, I beg to second.  
*Bill read a second time.*  
*Council in Committee.*  
*Enactment.*  
*Clauses 1 and 2.*  
*Title.*  
*Council resumes.*

**His Honour the Acting Chief Commissioner, Eastern Provinces :**

Sir, I beg to report this Bill from Committee without amendment, and to move that the Bill be now read a third time and passed.

**The Hon. the Senior Resident, Calabar Province :**

Sir, I beg to second.  
*Bill read a third time and passed.*

**THE 1948-49 SUPPLEMENTARY APPROPRIATION ORDINANCE, 1950**

**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 Nigeria for the year ending the thirty-first day of March, one thousand nine hundred and forty-nine.”

**The Hon. the Chief Secretary to the Government :**

Sir, I beg to second.  
*Bill read a second time.*  
*Council in Committee.*  
*Enactment.*  
*Clauses 1 and 2.*  
*First Schedule.*  
*Second Schedule.*  
*Third Schedule.*  
*Preamble.*  
*Title.*  
*Council resumes.*

**The Hon. the Financial Secretary :**

Sir, I beg to report this Bill from Committee without amendment and to move that the Bill be now read a third time and passed.

**The Hon. the Chief Secretary to the Government :**

Sir, I beg to second.  
*Bill read a third time and passed.*

**ADJOURNMENT**

*Council adjourned at 1.20 p.m.*



# Debates in the Legislative Council of Nigeria

Thursday, 14th September, 1950

Pursuant to notice the Honourable Members of the Legislative Council met in the Council Chamber, Lagos, at 9.30 a.m. on Thursday, the 14th of September, 1950.

## PRESENT

### OFFICIAL MEMBERS

- His Excellency the Governor,  
Sir John S. Macpherson, K.C.M.G.
- The Chief Secretary to the Government,  
The Honourable H. M. Foot, C.M.G., O.B.E.
- The Chief Commissioner, Northern Provinces,  
His Honour Captain Sir Eric Thompstone, K.B.E., C.M.G.,  
M.C.
- The Acting Chief Commissioner, Eastern Provinces,  
His Honour Commander S. E. Johnson, R.N.
- The Acting Chief Commissioner, Western Provinces,  
His Honour P. V. Main.
- The Acting Attorney-General,  
The Honourable A. Ridehalgh, K.C.
- The Financial Secretary,  
The Honourable E. Himsworth.
- The Director of Medical Services,  
Dr the Honourable G. B. Walker, C.B.E.
- The Development Secretary,  
The Honourable C. J. Pleass, C.M.G.
- The Director of Education,  
The Honourable R. A. McL. Davidson, C.M.G.
- The Director of Agriculture,  
The Honourable A. G. Beattie.
- The Director of Public Works,  
The Honourable R. W. Taylor.
- The Commissioner of Labour,  
The Honourable A. H. Couzens.
- The Commissioner of the Colony,  
The Honourable E. A. Carr.
- The Senior Resident, Kano Province,  
The Honourable B. E. Sharwood-Smith, C.M.G., E.D.

The Senior Resident, Calabar Province,  
The Honourable C. J. Mayne.

The Senior Resident, Ondo Province,  
The Honourable T. B. Bovell-Jones.

#### UNOFFICIAL MEMBERS

The Member for the Colony,  
The Rev. and Honourable T. A. J. Ogunbiyi, O.B.E.

The First Member for the Western Provinces,  
The Honourable A. Obisesan, O.B.E.

The Second Member for the Western Provinces,  
The Honourable T. A. Odutola, O.B.E.

The First Lagos Member,  
Dr the Honourable I. Olorun-Nimbe.

The Emir of Gwandu,  
The Honourable Yahaya, C.M.G., C.B.E.

The Emir of Katsina,  
Alhaji the Honourable Usuman Nagogo, C.B.E.

The Oni of Ife,  
The Honourable Sir Adesoji Aderemi, K.B.E., C.M.G.

The Atta of Igbirra,  
Alhaji the Honourable Ibrahim.

The Emir of Abuja,  
The Honourable Sulemanu Barau.

The First Member for the Northern Provinces,  
The Honourable Bello Kano.

The First Member for the Eastern Provinces,  
The Honourable C. D. Onyeama.

The Second Member for the Northern Provinces,  
The Honourable Abubakar Tafawa Balewa.

The Second Member for the Eastern Provinces,  
The Honourable H. Buowari Brown, O.B.E.

The Third Member for the Northern Provinces,  
The Honourable Iro Katsina.

The Fourth Member for the Northern Provinces,  
The Honourable Aliyu, Makaman Bida.

The Fourth Member for the Eastern Provinces,  
Dr the Honourable F. A. Ibiam, O.B.E.

The Second Lagos Member,  
Dr the Honourable N. Azikiwe.

The First Nominated Member,  
The Honourable P. J. Rogers.

The Fifth Member for the Northern Provinces,  
The Honourable Yahaya Ilorin.

The Third Member for the Western Provinces,  
The Honourable G. I. Obaseki.

- The Fifth Member for the Eastern Provinces,  
The Honourable N. Essien.
- The Third Lagos Member,  
The Honourable Adeleke Adedoyin.
- The Member for Calabar,  
The Honourable E. E. E. Anwan.
- The Second Nominated Member,  
Major the Honourable J. West, M.C., E.D.

**ABSENT**

**UNOFFICIAL MEMBERS**

- The Oba of Benin,  
The Honourable Akenzua II, C.M.G.
- The Third Member for the Eastern Provinces,  
The Honourable A. Ikoku, O.B.E.
- The Third Nominated Member,  
The Honourable N. B. Edwards.
- The Fourth Member for the Western Provinces,  
The Honourable A. Soetan.

**PRAYERS**

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

**CONFIRMATION OF MINUTES**

**His Excellency :**

The minutes of the last meeting have been circulated. The question is that the minutes as circulated be confirmed.

*The minutes are confirmed.*

**MOTIONS**

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama) :**

Your Excellency, I rise to move the motion standing in my name which reads as follows:—

“ Be it resolved :

“ That this House considers that solitary confinement  
“ of prisoners, other than violent criminal lunatics,  
“ should be discontinued as a form of punishment  
“ for breaches of prison discipline or for any other  
“ offence.”

Your Excellency, the modern trend has been to treat prisoners more as unfortunate patients than as anti-social animals who should be exposed to the full blast of the pent up fury of an angry public. Today in Nigeria I may say, Sir, that we have not so far kept in line with the modern trend of refraining from imposing excessive

[Dr the Hon. F. A. Ibiam]

[Motion]

Honourable Mover has stated, he is not asking that this form of punishment should be withheld where violent cases are concerned but where, for instance,.....

**The Hon. the Chief Secretary to the Government :**

If I might interrupt—as the wording of the motion stands the proposal is that solitary confinement should be entirely discontinued except for violent criminal lunatics.

**The Fourth Member for the Eastern Provinces (Dr the Hon. F. A. Ibiam, O.B.E.):**

Yes, Sir. In very violent cases—violent criminal lunatics. He says this form of punishment should be used but where there is, for instance, an ordinary fight between two prisoners, or perhaps a prisoner has been strong-headed, and you use this form of confinement on him, I consider that it is too much a form of punishment. Solitary confinement for two or three days is apt to upset the nerves of the person concerned and I would suggest, Sir, that if it is used at all it should only be used very occasionally and not on any criminal who seems to show disobedience or anything of that kind.

I do support the motion.

**His Excellency :**

Will the Honourable Member who moved the motion reply?

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama):**

I hoped that the Government side would say something about the nature of the offences for which this form of punishment is imposed, but apart from giving us figures to show that it is not a very common form of punishment, there is no indication whatsoever that it cannot be awarded for something for which one would be very loth to award such a form of punishment. Truly, the figures clearly indicate that in this country there is less use of that weapon than in England but I don't think, Sir, that that proves very much. In this country the prisons are not as strongly built as in England, and our people do not seem disposed to escape, so you could not very well compare the two forms of prisons; but at the same time I still feel that the use of this form of punishment must be restricted to a certain class of prisoners—that is—a person who is violent and who is a criminal lunatic, in whose interest it is best that there should be some degree of solitary confinement. If you are going to impose a punishment purely at the discretion of the prison officers I think, Sir, that there is no safeguard. I am sorry, Sir, that the Government, while agreeing that this punishment should be used sparingly, would be disposed to vote against this motion, but all the same, Sir, I still move my motion.

**His Excellency :**

The question is in terms of the Motion.

*Motion resolved in the negative.*

[Hon. C. D. Onyeama]

[Motion]

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama):**

Your Excellency, I rise to move the Motion standing in my name which reads as follows:—

“ Be it resolved:

“ That this House considers that no person in Nigeria  
“ shall be kept in custody awaiting trial for any  
“ period exceeding four weeks and that suitable  
“ legislation be enacted to give effect to this  
“ resolution.”

Your Excellency, two years ago I put some questions to the Government, stating certain prisons and asking them for details of persons who were enclosed in them awaiting trial for a period exceeding four weeks. I am sorry to say I never received an answer to that question up to now, but it is within my knowledge that in a certain prison in this country four persons were kept in custody awaiting trial for eight months and it is not uncommon in the Provinces to find people who are languishing in gaol awaiting trial for nine months, ten months and sometimes up to a year. The reason given is that there are not enough magistrates to do the cases but Your Excellency, I consider that this is no answer at all. We start from the assumption that a person who is charged with an offence is innocent until he is proved guilty; but the first thing we do is to lock up this innocent man in prison where he stays, awaiting trial, for three, four, or five months. Now it appears to me that this state of affairs is incompatible with this assumption of pre-innocence. If there are not enough magistrates to go round, then the obvious duty of Government is to ensure that the prisoner is taken from confinement to the court wherever it may be; in other words, if it is found that the magistrate who is supposed to go to Nsuka in the Eastern Region would not be there for another four months, then the next thing to do is to take him to Enugu for trial and not keep him in Nsuka, knowing that there will be no magistrate there for two or three months. When you detain a man in custody for a long time and he is found not guilty his business is disorganised and he gets no compensation, no costs from the Government. He has been tried and acquitted and he just goes home to start over again as best may be, but if it becomes a duty on the Police and on the Courts to see that a man is tried within four weeks then, Sir, justice would have been done, because if he is guilty he will start his punishment as soon as possible and if not guilty, he will go away a free man within the shortest possible time and start all over again. But to confine a man awaiting trial for an indefinite period without any limitation or restriction on the length of time in which he will remain in custody seems not to be compatible with our sense of justice. Until it is determined one way or another whether he is innocent or guilty. If he is innocent, he is innocent, if he is guilty he is



[Hon. C. D. Onyeama]

[Motion]

guilty, but I think it is improper that there should be any restriction on him whilst he is awaiting trial. Now it may be argued that there are people who cannot get bail. Then he should be tried at once. If he is on bail it does not really matter because he is not in prison awaiting trial. I will make one exception, that is, in the case of people who are charged with murder. It might well be, Sir, that the investigation of the murder charges might take the police months and months to follow up the clues and the evidence. There is a law that a murderer is not entitled to bail except by order of the Supreme Court. I would not question that, Sir, but I think that in all lesser crimes anybody who is in custody awaiting trial should not be detained for more than four weeks without bail or trial. If it is not possible to give him bail he should be tried and if it is not possible to try him, then he should be given Bail. To keep him there, it seems to me, unfair both to the accused person and to everybody who has anything to do with it. Therefore, Sir, I hope that the Government will not agree with the principle of this motion and then find some reason for voting against it.

Your Excellency, I beg to move.

**The Member for the Colony (The Rev. & Hon. T. A. J. Ogunbiyi, O.B.E.):**

Your Excellency, I rise to second this motion, and with your permission I should like first of all to say that I thank the Development Secretary with whom I had to go twice to visit the prisoners over there. When we got to a ward where prisoners were awaiting trial, when I saw so many people, I had no idea—I simply looked at them and was about to turn away, but with his expert knowledge of visiting prisons, he stopped me and then began to ask, "How many are detained here for more than three months?" So many, I got a shock—some for more than six months, others nine months. Then we went round and we went to the office of the Director. In this office the Development Secretary wrote everything down and I signed it in the hope that it would be remedied and that these people would be tried early and either set free or allowed to go to suffer their punishment. Nothing was done. Later on, I believe it was during the Budget Session, I suggested that when these people were tried the number of months that they had been detained in prison should be deducted from the years or months awarded to them to serve in prison, and if they were set free or discharged they should be paid so much per day for their detention. Nothing has been done up to now.

Then there is a case in point—indeed several cases. there is one I brought in my question this session. Our Native Treasury in Ikeja was burgled one night and the Criminal Investigation Division people came there to examine the place, took finger prints and apprehended one of the clerks. Well, we thought that they

[Rev. and Hon. T. A. J. Ogunbiyi]

[Motion]

would have finished that case since last October. It is now eleven months. There is the boy suffering, but I won't say suffering because he is not confined, and at the same time he is enjoying half of his emoluments. The Commissioner of the Colony said it was the rule of the Government that he should take that pay. Now the money involved in the burglary was something like thirteen pounds and he will have got eleven pounds out of it by now—I cannot understand it. When we are paying a man half of his salary! Well, when you finish the case either he is discharged or convicted; are you going to get the money back from him? It amounts to paying a man for breaking into a Treasury, and there are so many cases like that, on bail awaiting trial, some six months, that I know myself. Now the reason always given us is this, that there are not enough Magistrates. Why couldn't we have more J.P.'s to try these cases, and get the whole thing finished. Therefore, Your Excellency, I commend this motion to the adoption of all the Members of this House and that due effect should be given to it immediately. I thank you.

**The Second Member for the Northern Provinces (The Hon. Abubakar Tafawa Balewa):**

Your Excellency, I am sorry, Sir, that I have to oppose this motion. Now my friend, Sir, the Honourable the Mover of the motion considers only cases which could be dealt with within a matter of four weeks. Now crimes are of different nature. Some crimes call for long investigations which may involve calling for witnesses from long distances and, in a vast country like this, Sir, I do not think that, if the motion is to be accepted, that it will turn to the good of the country. I do not know, Sir, what will happen, if, say for example, one man wounded another man and the man who was responsible was put in prison or was detained and then, simply because we do not like to keep him for more than four weeks in prison we let him go on bail. The one result is surely, Sir, the trouble to find the man again would be more than the trouble of keeping him for more than four weeks in prison.

I am afraid, Sir, that Islamic Law and common sense as well are against this motion.

**The Second Member for the Eastern Provinces (The Hon. H. Buowari Brown, O.B.E.):**

Your Excellency, I would not oppose the motion at present, but we know of cases where someone has wounded a man very seriously and this man, the sick man, is kept in hospital for many, many months for the doctors to see whether he will live or die. Sometimes it takes about six months while he is lying in hospital, and if within four weeks the culprit is given out on bail and he escapes, never to be found, and this man dies in hospital, then what happens? And for that reason I am asking that if this motion is

[Hon. C. D. Onyeama]

[Motion]

delay in getting the legislation, but that they are themselves incapable of drafting the legislation, is something, Sir, which surprises me.

**His Excellency :**

The Honourable the Attorney-General would like the co-operation of the Member for the East for the preparation of the Peace Preservation Ordinance.

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama) :**

Yes, Your Excellency. I have always been ready and willing to play my part. I only feel Sir, that this is not a matter for executive action and that it can only be solved by making it imperative for the police and the courts to see that no person is kept for an unduly long time awaiting trial. I have said four weeks as a period I think reasonable, but I am open to correction; but I don't think anyone in England would be kept in custody for four weeks.

**His Excellency :**

The question is in terms of the motion.

*Motion rejected.*

**His Excellency :**

Members will note that in the Order Paper the first five motions are down in the name of the Honourable the First Member for the Eastern Provinces. We know that he has great stamina but I understand that he thinks it might be more appropriate if a little variety were introduced into the proceedings. With the permission of Council he will take his remaining three motions at a later stage this morning.

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama) :**

Yes, Your Excellency.

**The Second Lagos Member (Dr the Hon. N. Azikiwe) :**

Your Excellency, I rise to move the motion standing in my name which reads:—

“ Be it resolved :

“ That Standing Order No. 10 (3) be amended by the  
“ words “ before the ” and “ meeting ” in line 2  
“ thereof.”

**The Second Lagos Member (Dr the Hon. N. Azikiwe) :**

The object of this motion is to enable members of this Honourable House to give sufficient notice to the Government, with a view to obtaining certain information of a contemporaneous nature. As it is now, Sir, we have to give ten days notice before the meeting at which the question is to be asked, so that during the meetings

[*Dr the Hon. N. Asikiwe*]

[*Motion*]

of the Council if anything crops up and any member of the House wishes to obtain facts by way of questions, it is very difficult to do so. I appreciate that there is a proviso in that particular rule provided that a question may be asked without giving such notice if it is of an urgent nature and the member has obtained leave of the Governor to ask it; but at times, Sir, it is difficult to contact either Your Excellency or the Honourable the Chief Secretary. So I feel that if the Standing Order is so amended that during the sitting of any meeting, by giving two clear days' notice we should be entitled to ask questions, I feel it would remove the difficulty. I realise that Government is not necessarily bound to answer all questions, but one feels that one has done one's duty by putting questions knowing that at an earlier date or during the sitting of that particular meeting the answer will be forthcoming.

Sir, I beg to move.

**The First Lagos Member (Dr the Hon. I. Olorun-Nimbe):**

Sir, I beg to second.

**The Hon. the Chief Secretary to the Government:**

If no Unofficial Member wishes to speak, I should make the position of the Government clear in this matter. First of all I would say that this question was very carefully considered in a full Select Committee of this House very recently, and the rule as it stands was the rule agreed upon at that meeting which devoted special attention to questions of procedure, timing and notice. It may well be that certain faults in these rules will be found in practice, and certainly I would not suggest that we should not alter the rules as we go along if necessity for doing so clearly exists, but my first point is that the matter which the Honourable Member raises has been fully considered within the past year by a Select Committee specially appointed to deal with the Standing Rules and Orders.

My second point is that I am not sure that Honourable Members appreciate what an amount of work is often involved in answering questions. Before the Annual Budget Meeting of the Council I have known as many as 300 or 400 questions put down. On many of those questions it is essential to get information from the Regions. On many others it is necessary to get the comments of Heads of Departments. The time immediately preceding a meeting of this Council is necessarily a busy one, and if in the day or two before the meeting those of us who have official responsibilities in this Council have to deal with a flow of last-minute questions it is certainly not going to be in the interests of efficient despatch of business in this House. If we were to make this amendment we might have some hundreds of questions involving research and enquiry coming in on the day or two before the Council met. As the Honourable Member who moved the amendment has suggested, the solution appears to lie in the use of the proviso regarding

urgent questions and I can assure Honourable Members that I for my part, and I am sure the Clerk of the Council will do the same, will refer any urgent question immediately to the Governor. No delay need take place, but I do believe we should restrict questions which are to be asked at the last moment to questions which can be justified on grounds of urgency. It is entirely for the House to decide, but I feel it is my duty to explain from the administrative side the very great difficulties which the change proposed would cause.

**The Second Lagos Member (Dr the Hon. N. Azikiwe):**

I agree with the Honourable the Chief Secretary in most of what he has said, but I am afraid he seems to misunderstand this particular motion. I have in mind questions of a contemporaneous nature. I remember in 1949, last year, at Ibadan, certain issues were raised in connection with an American Missionary, and it was with extreme difficulty that I was unable to put the question to the House, and even after I succeeded in obtaining permission to table the question, no reply was given to me until a year later, that is, last March at Enugu. I think that by then the Reverend gentleman had been out of the country.

An incident of this nature occurs once in a while, and that is what I have in mind. It is true that the proviso is there, but I knew the difficulty I experienced last year at Ibadan before even obtaining the permission of the President, so that most of what the Chief Secretary says, whilst correct, is not necessarily material to this motion.

My aim is to enable Honourable Members of this House to raise questions of a contemporaneous nature during the sitting of a meeting of the Legislative Council. It is not necessary for them to flood the Secretariat with questions which will involve research work; so far as that is concerned, Sir, I think the Standing Orders are quite clear.

**The Hon. the Chief Secretary to the Government:**

One suggestion, Sir, before the matter is closed. It will be necessary to revise the Standing Rules and Orders when new constitutional changes are made and I suggest to Honourable Members that any amendments to the Standing Rules and Orders should be made then rather than shortly before those changes are introduced.

**The Second Lagos Member (Dr the Hon. N. Azikiwe):**

Your Excellency, I do not anticipate that I shall be a member of that new House to amend the Standing Rules and Orders, but in view of the statement of my Honourable Friend, I beg leave to withdraw this motion.

*Motion by leave withdrawn.*

[Dr the Hon. I. Olorun-Nimbe]

[Motion]

**The First Lagos Member (Dr the Hon. I. Olorun-Nimbe):**

Your Excellency, I rise to move the motion standing in my name, which reads as follows:—

“Whereas there have been recent cases in which the secrecy of Select Committees of this Council has been grossly infringed, and whereas such infringement of the procedure of this Council gravely prejudices the work of the Council and the reputation of its members;

Now, therefore, this Council urges upon the Government the need to introduce legislation to grant to this Council and its members similar privileges to those enjoyed by the House of Commons and Members of that House.”

I think Sir, that the motion before the House is so self-explanatory that it does not require any elaborate dissertation on my part. There are, however, three reasons for the introduction of this motion before the House. The first one Sir, is to be found in Erskine May's Parliamentary Practice, Chapter 111, Page 70 the 13th Edition, under the heading “General View of the Privileges of Parliament” which read as follows:—

“Both Houses of Parliament enjoy various privileges in their collective capacity as constituent parts of the High Court of Parliament; which are necessary for the support of their authority and for the proper exercise of the functions entrusted to them by the Constitution. Other principles, again, are enjoyed by individual members, which protect their persons and secure their independence and dignity. Some privileges rest solely upon the law and custom of Parliament, while others have been defined by statute. Upon these grounds alone all privileges whatever are founded. The Lords have ever enjoyed them, simply because they have place and voice in Parliament, but a practice has obtained with the Commons, that would appear to submit their privileges to the royal favour. At the commencement of every Parliament since the 6th reign of Henry VIII it has been the custom for the speaker “In the name and on behalf of the Commons, to lay claim by humble petition to their ancient and undoubted rights and principles; particularly that their friends (their estates and servants) may be free from arrests and all molestations; that they may enjoy liberty of speech in all their debates; may have access to His Majesty's royal person whenever occasion shall require; and that all their proceedings may receive from His Majesty the most favourable construction.”

To which the Lord Chancellor replies that:

“His Majesty most readily confirms all the rights and privileges which have ever been granted to or conferred

[Dr the Hon. F. A. Ibiam]

[Motion]

we did not know how it happened. There was a report on one occasion about an incident alleged which did not actually happen, and it is this sort of report in the Daily Press which gives one rather an uncomfortable feeling, particularly if names are mentioned, and the wrong names. So I do welcome this motion and am glad that Government is accepting it warmly.

**The Second Member for the Eastern Provinces (The Hon. H. Buowari Brown, O.B.E.):**

I rise to support the motion in view of the fact that my name was mentioned as one of those people whose names were published wrongly and maliciously by certain sections of the Press, while we were sitting at Enugu. In fact almost everything that we were saying and doing in that Select Committee was out the very next day until the crisis came when some names were mentioned and things were said which did not happen at all. Therefore I support the motion.

**The Member for the Colony (The Rev. & Hon. T. A. J. Ogunbiyi, O.B.E.):**

In supporting the motion I remember the incident referred to by the mover. When the publication came to our hand we were all grieved and I called the attention of the Honourable the Attorney-General to it and I believe that of the Chairman and I was promised that an action would be taken to vindicate the causes but nothing was done hence I blamed the Attorney-General in particular in my heart for the silence.

I was sitting next to the Honourable the First Lagos Member in the Committee Room and saw none of the things published about him. Sir, I support the motion.

**The Second Lagos Member (Dr the Hon. N. Azikiwe):**

Your Excellency, I rise to support the motion and in view of the fact that somehow I am connected with the Press, I do not adopt a holier-than-thou attitude when I say that the section of the press concerned is not the section of the press with which I am connected. I fully endorse the view that the proceedings of the Select Committee should be in secret, and should not be subjected to unauthorised publication. However, in fairness to the section of the press concerned, I wish to say that suitable apologies were published and the offending matter was withdrawn, and expressions of regret were made to the Honourable Member concerned.

**The Third Lagos Member (The Hon. Adeleke Adedoyin):**

Your Excellency, it is needless for me to say that I support this motion—I seconded it, and the privileges enjoyed by the present members of this House have been enumerated as follows:—

- Payment of allowances and transport expenses,
- Facilities regarding Postal and Telegraph Services,

[Hon. Adeleke Adedoyin]

[Motion]

Purchase of Petrol at official rates,  
Issue of Government Publications, and precedents at Public  
Functions.

Those are all. I am just wondering whether these are really the only privileges that ought to be enjoyed by the Honourable Members of this House. The motion is to the effect that such privileges which are enjoyed by the mother law-making body in the United Kingdom—the privileges enjoyed by the Parliament—should be enjoyed by the Legislative Councillors of this country. And what are those privileges? In Halsbury's "Laws of England" Volume 24, the second edition, page 324—on the privileges of Parliament it reads thus:—

"The House of Lords and the House of Commons, which together constitute the High Court of Parliament, claim for their members, both collectively and individually, certain rights and privileges without which it would be impossible for either House to maintain its independence of action or the dignity of its position.

Each House is the guardian of its own privileges, and claims (1) to be the sole judge of any matter that may arise which in any way infringes upon them (*k*), and (2), if it deems it advisable, to punish, either by imprisonment or reprimand, any person whom it considers to be guilty of contempt.

The privileges of Parliament are based partly upon custom and precedents which are to be found in the Rolls of Parliament and the Journals of the two Houses and partly upon certain statutes which have been passed from time to time for the purpose of making clear particular matters wherein the privileges claimed by either House of Parliament have come in contact either with the prerogatives of the Crown or with the rights of individuals".

These privileges are classified into two and it goes further to say this in general:—

"The privileges of Parliament may be conveniently treated under two main headings—(1) privileges which are common to both Houses, and (2) privileges which are peculiar either to the House of Lords or to the House of Commons".

At this stage, Sir, we are concerned with privileges enjoyed by the Members of the House of Commons, and as such I shall leave out reference to the House of Lords. The privileges enjoyed by both Houses are in the first place concerning freedom from arrest thus:—

"Whilst Parliament is sitting, and during the time within which the privilege of Parliament extends, it is claimed by resolutions of both Houses that no peer or member of the House of Commons may be imprisoned or restrained without the order or sentence of the House of Lords or House of



[Hon. Adeleke Adedoyin]

[Motion]

I would add, Sir, that there have been occasions—recent ones—in which members of this House have asked for an audience of His Excellency, the Governor, and have been denied, and this, I should say, ought to be a privilege of members of this House. I would say further that a sister colony, Jamaica, has adopted the privileges of the members of the House of Commons for the members of her Legislative Council. I see no reason why we should not at this stage make it a law of this House that similar privileges enjoyed by the House of Commons the mother law-making body of the British Commonwealth of Nations should be extended to this House. I support the motion.

**The First Lagos Member (Dr the Hon. I. Olorun-Nimbe):**

I am very grateful that the motion has been well received. I do hope that my Honourable Friend, the Second Lagos Member, would be in the new House. I do not think I shall be in that House and I hope that when the new Council is inaugurated this motion will be introduced into the new constitutional arrangements.

*Motion adopted as amended.*

**The Hon. the Chief Secretary to the Government:**

Would this not be a suitable occasion, Sir, for a break?

*Council adjourned at 10.55 a.m.*

*Council resumed at 11.20 a.m.*

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama):**

I rise once again, Your Excellency, to move the motion standing in my name on the Order Paper, which reads:—

“ That this House recommends that the Government ‘ should advise His Majesty’s Secretary of State for the Colonies that the time has now come for the creation of a Nigerian Army, Navy and Air Force as part of the fighting forces of the Crown ’.”

I will state first of all, Your Excellency, that I have no technical knowledge about the Army, the Navy or the Air Force, and what I say will be confined mainly to the principles which prompted me to bring the motion to the House. As you are aware, this country will soon take one step forward in its march towards ultimate self-government, and the first thing is whether it is not necessary that when that self-government does come this country will be in a position to defend itself against foreign aggression. Now, if it is anticipated that this country, as a free country, should be able to defend itself against aggression, I would suggest we start now to lay foundations. It will enable the country in the future to defend itself. If, on the other hand, we say that when this country is free its defence will be in the hands of the British Government,

[Hon. C. D. Onyeama]

[Motion]

there will be no real freedom because the person who defends you is truly your protector and guardian, and if he withdraws his protection then you are easy prey for any adventurous country which might attack you.

It might be objected that it is now being attempted in the general world by means of U.N.O., to find a method of pacific settlement of disputes. Well, so far as we can see from what is happening around us, that is no more than a pious hope because every country in Europe today and America is speeding up armaments as much as possible, and although we now enjoy the protection of the British, I think, Sir, it might be difficult in the future when we get self-government to expect the British to bear their own burdens of self-defence and also to continue to defend this country. In my view, Sir, the object of this motion can be achieved, first of all, by inducing the British Government—if it is so minded—to set up an Army, a Navy and an Air Force—a British Army, a British Navy and a British Air Force—in Nigeria, to be known as the Nigerian Army, etc. It will be officered and led by British Officers, but at the same time it will create opportunity for Nigerians to pursue an Army, Navy or Air Force career. If this nucleus of the fighting services of the Crown were established in Nigeria in time before the country is handed over to the people, then we might have people who will understand the workings of the Army, Navy and Air Force and who will be in a position to play their part in the defence of the country. At the present time the forces of this country form part of the West African Frontier Force, which I gather is under the control of the British War Office. That is as may be, but I do not think, Sir, that the ultimate defence of this territory will be subject to West African overall control, because there is no intention of having a federation of all the West African Colonies. At least, if there is any such intention, it has not been made manifest. Therefore, the duty of defending Nigeria will ultimately rest with Nigerians and the question must be answered, Sir, how can Nigerians be made capable of defending themselves? The only way it can be done is by creating a Nigerian Army, Navy and Air Force now. I am not suggesting at this stage that this Government should be called upon to bear the burden of the Army, Navy and Air Force, because I understand it would cost almost the entire revenue of the country to get three battleships. If that is so, Sir, I myself would be very chary of advocating such a step. But I certainly think that it would not be beyond the British to establish fighting forces in Nigeria, not closed to all the West African Colonies, but something which is more intimately connected with Nigeria than the West African Frontier Force of today.

These are the reasons and principles, Your Excellency, which have prompted me to bring this motion to the House. As I say, Sir, I have no technical knowledge about costs. It may be

[*Hon. Yahaya Ilorin*][*Motion*]

to have reason to thank Great Britain after she has left us for the good things she left behind. It is time, to my mind, that serious consideration also should be given to training Nigerians to establish colleges where military training can be given to Nigerian boys.

Sir, I support this motion.

**The Fifth Member for the Eastern Provinces (The Hon. Nyong Essien):**

Sir, I rise to give my whole-hearted support to this motion. It is a necessity that Nigeria should own and keep Army, Navy, and Air Force. I wish, when the time comes to recruit the first batch for these Forces, I could be sufficiently qualified for recruitment. It is a necessity, Sir, that we should be so equipped, because when we shut our eyes and pray for peace, we open them and behold war. If Britain leaves us today and grants us independence without arming us, she is not leaving us anything at all but destruction, total destruction! But if Great Britain leaves us well armed—strongly armed—then she will immortalize herself in Nigeria, because in moments of distress or aggression the memory will remain with Nigerians of Britain's gracious gift to us.

I strongly support this motion, Sir.

**The Hon. the Chief Secretary to the Government:**

I had expected not only a longer debate on this subject, but also a longer speech from the Honourable the First Member for the Eastern Provinces. He, Sir, is a lawyer and is skilful not only in presenting a point but also, if I may say so with respect, in evading an issue. I expected that in his speech half the time at last would have been devoted to the question of cost. I was somewhat disappointed therefore that he was content to say that he wants a Nigerian Army, Navy and Air Force but that Great Britain can bear the cost. I hardly think that that is sufficient, and a little later on I should like to deal with that subject a little more carefully.

First of all I should like to say, that in the British Commonwealth all the units of the Commonwealth must play their part as a team rather than any individual unit attempting to build up a single system of defence which could stand on its own. In fact, the lessons of this generation have surely been that if each unit had attempted to build a separate defence system of its own the whole Commonwealth would have gone down long ago. The strength of the whole British Commonwealth lies in the fact that it acts together in defence matters. I do not hesitate to say that it is inconceivable that Nigeria could build up an effective, separate system of defence with its existing revenues and resources. We should surely approach the matter, as indeed the Honourable the Mover of the motion has suggested, on the assumption that Nigerian forces must remain part of the Forces of the Crown, taking their part in the overall Commonwealth system of defence.

[C.S.G.]

[Motion]

My second point is that we already have in Nigeria the Battalions of the Nigeria Regiment, together with a nucleus of Artillery and Engineering Units. Honourable Members also know that these units are created in such a form that they can be expanded—as they were so greatly expanded in the last war. We know the honourable part that Nigerian troops have played in the past. Their contribution, both towards defence in the internal sense and Commonwealth defence in the larger sense, has been a fine one. Nigerian soldiers showed what they could do in Burma and East Africa. I should not like this debate to pass without adequate acknowledgment of the part that Nigerian troops have played in the past, and to the contribution that they are ready and trained to make again. We are all rightly proud of the Nigeria Regiment.

Now I must turn, however much the Honourable Mover wishes to avoid the subject, to the question of cost. Honourable Members of the Finance Committee well know that the contribution which Nigeria makes towards the cost of existing Nigerian forces is at present £750,000 a year. The Finance Committee has also recently approved a contribution of £220,000 towards the cost of buildings for these Forces. Those figures represent, as Honourable Members well know, a considerable increase over the amounts which have been spent in previous years. These contributions are by no means easy to find, but do Honourable Members know that that £750,000 represents only about forty per cent of the cost of the existing Nigerian Forces and that the remainder, well over £1,000,000, is met by His Majesty's Government? It is well to recollect those facts on cost, for if we are unable at this stage to make a larger contribution than forty per cent towards the cost of the already existing Forces in Nigeria, we must think carefully before we talk about establishing much greater forces.

Now let me quote one or two general figures to give an indication of the great cost of armaments. The cost of a single cruiser of a type similar to the cruiser "Nigeria", which most Honourable Members will have seen, is about three and a half million pounds and nearly a quarter of a million pounds a year is required for crew and stores, leaving aside the cost of shore installations and administrative services. The cost of a single destroyer is nearly one and a half million pounds, with an operating cost of not far short of £100,000 a year. The cost of a squadron of twelve Meteors is approximately half a million pounds, with a recurrent cost of £300,000 a year for maintenance and operation, even if we had, as we have not, fully equipped landing fields and other ground facilities. The Honourable Mover has not suggested that Nigeria should start buying or making her own cruisers, destroyers or fighter squadrons but how can you have a Navy or an Air Force without them? It is very necessary to keep the financial factors in mind. The figures show first of all that of the present military forces in this country Nigeria meets only about forty per cent of

[C.S.G.]

[Motion]

passed the motion as it stands the House would give the impression of irresponsibility.

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama):**

I gather that there is a suggestion that the debate should be adjourned until tomorrow.

**His Excellency:**

As soon as may be.

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama):**

I have no objection myself, Sir.

**His Excellency:**

Is it the wish of Council that we should so act?

*Agreed.*

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama):**

Your Excellency, I rise to move the motion standing in my name in the Order Paper:—

“ Be it resolved:

“ That this House is of the opinion that the treaty  
 “ entered into by Great Britain and other European  
 “ countries whereby the importation of intoxicating  
 “ liquor other than native liquor into certain areas  
 “ of Nigeria and Cameroons under United Kingdom  
 “ Trusteeship is out of date and recommends that  
 “ Government should address His Majesty through  
 “ the proper channels with a view to its revision.”

This first point I would make is to ask the leave of this House and Your Excellency to insert the words “ is prohibited ” after the word “ Trusteeship ”. It would now read:—

“ That this House is of the opinion that the treaty entered into by Great Britain and other European countries whereby the importation of intoxicating liquor other than native liquor into certain areas of Nigeria and Cameroons under United Kingdom Trusteeship is prohibited is out of date and recommends that Government should address His Majesty through the proper channels with a view to its revision.”

*Amendment agreed.*

Your Excellency, I was addressed on the question of the prohibition of the importation of native liquor and alcohol by certain people living in the Western Provinces. I asked certain

So far, I think that I have succeeded in portraying a phase of scientific opinion on the effects of alcohol on the human body. No attempt has as yet been made to present facts and figures to show its effect climatically on any particular branch of the human race.

NIGERIA LEGISLATIVE COUNCIL DEBATES, 14TH SEPTEMBER, 1950

137

[Hon. C. D. Onyeama]

[Motion]

questions in Council about two years ago and received the reply that Government had to maintain this prohibition by reason of certain treaty agreements between Great Britain and other European countries. I have obtained this treaty in the meantime and I have discovered that some of the signatories were the King of Italy and the Emperor of Japan, and to say the least at this time, those two potentates no longer exercise any functions at all, so it strikes me that any treaty to which they are parties is due for revision. Many people agree that this treaty, if not a dead letter in Nigeria, is not of very great consequence today, and it is something which I find myself unable to support on any grounds. Certainly the Africans in these areas do not react to alcoholic inducement more strongly than other people. Nor is there anything wrong, Sir, in drinking if you choose to do so. It is a treat on which there will be difference of opinion, and I am not suggesting that as an amendment there should be a law compelling people to drink. I say, Sir, that the treaty should be revised, and if there is to be any control over the consumption of alcohol it should be a matter left either to the individual to control himself, or possibly to the Regions when we have regional autonomy. It strikes me as wrong in principle, Sir, that prohibition should be imposed from outside. All I am really asking for is that an obsolescent treaty should be revised.

I beg to move.

**The Second Member for the Eastern Provinces (The Hon. H. Buowari Brown, O.B.E.):**

Sir, I beg to second.

**The Hon. the Acting Attorney-General:**

I wish to say, Sir, on behalf of the Government, that this motion is accepted. The position is, as the Honourable Mover has stated, that His Majesty's Government in the United Kingdom is party to a convention which was ratified by Great Britain in 1920. The parties to that convention are the United States of America, Belgium, the United Kingdom, Canada, Australia, South Africa, New Zealand, France, Italy, Japan and Portugal, and naturally if revision is agreed upon it will be some considerable time before it can be accomplished. The Honourable Mover asked a question in relation to this convention at the meeting of this Council in March, 1948, and perhaps it might be convenient if I read the reply:—

“The introduction of spiritous liquor into that part of Asaba Division lying north of a line drawn due west from the junction of the Rivers Niger and Anambra is prohibited under the First Schedule to the Liquor Ordinance. This is in accordance with the terms of Article IV of the Convention of St. Germain-en-Laye which was ratified by Great Britain in 1920. There is no provision in this Convention for the with-

[Dr the Hon. N. Azikiwe]

[Motion]

substantiate a part of his generalization to the effect that, "there is no argument" as to the "devastating effect" of alcohol or liquor "upon coloured peoples in the tropics".

Such an unqualified and unsupported opinion was made the foundation of a myth, which has been transformed into a reality, and which has formed the basis of a vast net-work of propaganda which, in turn, has influenced government policy regarding the importation and consumption of liquor in tropical Africa particularly. In 1919, the international community, apparently without consulting scientific opinion, so far as my limited research on this subject goes, met at St. Germain-en-Laye in order to consider the liquor problem and to restrict its manufacture and importation in certain regions of the tropical world, since the signatories of this Convention had rightly or wrongly regarded themselves as "protectors" of the so-called Native races. Be it remembered, however, that as far back as 2nd July, 1890, certain European Powers had signed a General Act, at the Brussels Conference, wherein Article 90 stipulated as follows: "Justly anxious respecting the moral and material consequences which the abuse of spirituous liquors entails on the Native populations, the Signatory Powers have agreed to apply the provisions of Articles 91, 92 and 93 . . . ." (these Articles relate to the importation of, and levying of duties on, spirituous liquors in certain geographically defined zones in tropical Africa and Asia). Evidently, the Brussels Conference accepted the myth of the effect of spirituous liquor on the *Native* races, without question.

In 1919, when the General Act of the Brussels Conference was abrogated, a special Convention Relating to the Liquor Traffic in Africa, was signed at St. Germain-en-Laye on 10th September, 1919. The preamble of this Convention and Protocol reads as follows:

"Whereas it is necessary to continue in the African territories placed under their administration the struggle against the dangers of alcoholism which they have maintained by subjecting spirits to constantly increasing duties.

"Whereas, further, it is necessary to prohibit the importation of distilled beverages rendered especially more dangerous to the Native populations by the nature of the products entering into their composition or by the opportunities which a low price gives for their extended use. . . . .

"Article I. The High Contracting Parties undertake to apply the following measures for the restriction of the liquor traffic in the territories which are or may be subjected to their control throughout the whole of the Continent of Africa, with the exception of Algiers, Tunis, Morocco, Libya, Egypt and the Union of South Africa".

[Dr the Hon. N. Azikiwe]

[Motion]

Within this area, the manufacture, whether by Natives or non-Natives, of distilled beverages is strictly forbidden.

But it is still a problem of International Law what "trade spirits" means and whether there is a uniform and standard definition of these words which are equally applicable to all the signatories and adherents to this Convention in totality. And that is my point; when legislation imposes the conceptions of the past upon the future, without convincing and satisfactory grounds, it is indicative of social regress.

From very early times, our Statute Book has been filled with liquor laws. The Spirituous Liquor (Importation) Ordinance, 1893, the Spirit Licences Ordinance, 1893, the Trade Spirits (Receptacles) Ordinance, 1906, were among the earlier liquor enactments in Nigeria. But these laws did not intrude upon the liberty of the individual, in a pronounced form; they merely legalised the distribution of alcoholic beverages and did not attempt to restrict the consumption of alcohol on any large scale.

The Liquor Ordinance and subsequent amendments introduced on 1st January, 1918, the idea of "Prohibition Areas" in the distribution and consumption of liquor in Nigeria. According to an Order-in-Council No. 1 of 1923: "The following are declared to be 'Prohibited Areas': (a) The whole of the Northern Provinces. (b) In the Southern Provinces, the Divisions of Ogoja, Kukuruku and Ishan, and that part of Asaba Division which lies north of a line drawn due west from the junction of the Niger and Anambra Rivers." This enactment invites criticism, in view of its discriminatory nature, which savours definitely of class legislation, thus:

" 12. Intoxicating liquor other than trade spirits may be introduced into a prohibition area in the following cases:

" (i) Without a permit (a) by the Governor or a Lieutenant-Governor or for Government purposes; (b) by a traveller, not being a Native, in quantities not exceeding that which he may reasonably require for his personal use in the course of his journey; (c) by the holder of a restaurant car licence, in quantities not exceeding that which may be reasonably required by the passengers travelling on the train on which the liquor is carried, and to which the restaurant car is attached.

" (ii) With a permit issued by the prescribed authority (a) by persons, other than Natives, for private consumption and not for sale; (b) by holders of licences authorising the sale of such liquor "

And as if they are conscience-stricken, the enactors of this discriminatory law, which is based on insufficient knowledge of social forces and also unscientific deductions on the effect of alcohol,



[Dr the Hon. N. Azikiwe]

[Motion]

made Section XVI of the Ordinance to allow those Natives who are sold, given or supplies any spirits, in a Prohibited Area, to be beyond the penalties imposed by this law, provided that they "satisfy the Court that the spirits were supplied to the Native for *bona fide* medical purposes." And the penalty was a fine of one hundred pounds for a first offence, and for every subsequent offence, a fine of five hundred pounds. Section XVII of the Liquor Ordinance stipulates that "No Native shall purchase or be in possession of any spirits in a Prohibited Area, unless for *bona fide* medical purposes." The penalty for a breach of this section is "a fine of fifty pounds and the spirits shall be forfeited." Sections XVIII, XIX and XX of the Liquor Ordinance forbid, respectively, the possession of trade spirits in a Prohibited Area, the sale of liquor to any person within a Prohibited or a Licensed Area, except under licence, and the sale of liquor by a non-Native or Native foreigner within a restricted area except under a licence, with heavy penalties. By virtue of section XXI of the Liquor Ordinance, His Excellency the Governor has the power to modify the law; and he has, indeed, done so, in favour of certain clubs and "hostels" which a section of the Nigerian press rightly criticised as evidence of class legislation, not further considering its bi-racial implications.

Whilst I have so far explained certain factors in connection with our liquor problem, let me say at once that, despite its application yet in self-interest, particularly for the purpose of increasing the revenue of this country, a battle of wits between Colonial Powers was inevitable, particularly with reference to the definition of "trade spirits." The Trade Spirits (Receptacles) Ordinance, No. 10 of 1906, defined "trade spirits" as "Spirits commonly known as 'Trade Gin' and 'Trade Rum?'" The Liquor (Colony and Protectorate) Ordinance, No. 3 of 1918, defined "trade spirits" to mean "Spirits imported, or of a kind previously imported, for sale to Natives, and not generally consumed by Europeans, and includes mixtures and compounds made with such spirits." The Liquor (Colony and Protectorate) (Amendment) Ordinance, No. 21 of 1924, defined "trade spirits" to mean "Such spirits as under the Customs Ordinance and Regulations made thereunder."

The reasons for these legal acrobatics in trying to define "trade spirits" are obvious. Having legally encouraged prohibition, the Legal Department, apparently, realised among other factors, that conditions in 1906 were based on missionary propaganda and which had alienated the affections of a friendly State, Holland (noted for their manufacture of "Dutch Gin"). The latest definition showed the dilemma of Government for having allowed itself to be influenced by the misdirected altruism of zealous Missionaries (whose sincerity I do not in the least question) and international humanitarian propaganda of vague idealists—whose propaganda on the whole lacked scientific objectivity and basis—and our law makers had no

[Dr the Hon. N. Azikiwe]

[Motion]

recourse than to face facts. The result is that the so-called "Dutch Gin" regained its eminence, under a different label and the law was made so flexible, that it was up to the Customs Department to define what are "trade spirits!"

Without consulting the people concerned, without taking into consideration their views on the drink problem, the European States in Africa proceeded to put into practice their humanitarian ideas (though based on fallacious argument) regarding the liquor traffic in Africa. Great Britain was motivated no doubt by humanitarian motive. It has been said that "There can be no doubt that it is the mission of Great Britain to work continuously for the training and education of the Africans towards a higher intellectual, moral and economic level than that which they had reached when the Crown assumed the responsibility for the administration" of African territory.

One outstanding weakness in the Liquor Convention of 1919 is Article IV, which grants the State-signatories the right to fix an import duty of 800 francs per hectolitre of pure alcohol, but in Italian Colonies it is fixed for not less than 600 francs. The international problem here is that adjoining Colonies, particularly British and French, have imposed different duties upon imported liquors, thus resulting in bootleg traffic in the smuggling from one colony to another. According to an authority, it would appear as if the direct objective of the St. Germain Liquor Convention was to drive "Dutch Gin" from the market of their colonies. This did affect the trade of Nigeria adversely and it necessitated re-definitions of "trade spirit" by a series of legislations, as I have already explained. The conflict of Colonial Liquor policy thus created an embarrassing situation between the signatories of the Liquor Convention and the Dutch Government (Holland) with the result that each Colony decided to follow its own policy in self-interest, irrespective of whether it conforms to the Liquor Convention or not.

Following the report of the British Committee on Trade and Taxation (*Cmd.* 1600) that the prohibition of "Trade Spirits" in British territories affected British trade, Sir Hugh Clifford, in 1923, attacked the abolition of "trade spirits" in view of its adverse effect on the trade of Nigeria. He declared, that since this abolition it had encouraged Natives to consume more palm wine and to desert imported liquor. In October, 1921, a conference of Comptroller of Customs of British West Africa had met and recommended that "trade spirits" should be encouraged; this solves the riddle why "Dutch Gin" was re-admitted and the Customs authorities were legally empowered to define what constitutes "trade spirits." Meanwhile, Britain had increased import duties on spirituous liquors so highly that whilst Nigerians could purchase "Dutch Gin" at 5s 6d in Nigeria, the

[Dr the Hon. N. Azikiwe]

[Motion]

same brand and label could be obtained in French Togoland and Liberia for one shilling! Both Britain and France had been accused of violating the Liquor Convention, especially as to price fixation, but the Native African is the ultimate determinant factor, since it depends upon his pocket and degree of thirst.

What I have tried to point out is that, viewed from the factors outlined above, it is clear that altruism is not necessarily so strong a factor as to outweigh other factors, taking the human equation into serious consideration, since self-interest is responsible, and will continue to activate the liquor policy of Nigeria or any European Colony in Africa. If I am right, then it is my conclusion that our present liquor policy needs a drastic and revolutionary concept and that the entire law, in so far as prohibition of certain class of people from possessing or selling spirituous liquors is concerned, should be scrapped. There should be one law for all, Briton or African. Europeans and Africans are human, and they are biologically identical; they are affected by the forces of heredity and environment, as any other members of the human race. Why then should the African be discriminated against, simply because some people, blinded by misdirected altruism encouraged the continued existence in our Statute Book of an antiquated law which cannot stand the test of scientific criticism?

In conclusion, let me reiterate that I am neither a drunkard nor an adept worshipper of Bacchus. It is not my intention to be offensive to the Missions or to the protagonists of Prohibition in Nigeria, because I appreciate the evils of alcoholic liquor, especially when one takes an over-dose, and I am in sympathy with those kind-hearted and altruistic friends who have worked hard and sincerely for the abolition of liquor traffic in Africa.

As I said before, we have accepted this motion in principle. So I will say that I support the motion because facts have been adduced to show that some countries have been unable to conform to the stipulations of the international convention and the Government of this country has had to amend our liquor legislation in the light of international complications. Sir, I support the motion.

**The Second Member for the Eastern Provinces (The Hon. H. Buowari Brown, O.B.E.):**

Your Excellency, I support the motion but I would like to ask one question for information—that is—we have been talking about Dutch Gin, what about our own illicit gin? I do not know whether that is not just to be found in these areas where these prohibitions are employed. I remember very well, during our tour of the Provinces, when we got to the Cameroons this was one of the questions raised by the people there and I am very pleased that my friend, the Honourable the First Member for the Eastern Provinces has brought up this question, because they did ask us to

[*Hon. H. Buowari Brown*]

[*Motion*]

make such an attempt against this so that the prohibition could be removed. I am glad that the Attorney-General has promised to do what is possible in order to get this difficulty removed.

**The Fifth Member for the Northern Provinces (The Hon. Yahaya Ilorin):**

Your Excellency, I think this motion can wait until the country has adopted the new Constitution now under discussion when each Region will be given ample opportunity to decide its own regional affairs. Because as the Northern inhabitants are mostly Moslems, there is strong objection to the introduction of liquor in that Region. I know there are many Southerners living in the North who will favour this motion, yet still I will strongly suggest that this be left to the Region to decide.

**The First Lagos Member (Dr the Hon. I. Olorun-Nimbe):**

May I ask whether the last speaker would give us any idea as to the views of the pagans who are in the North?

**The Fifth Member for the Northern Provinces (The Hon. Yahaya Ilorin):**

Your Excellency, I was speaking for the Moslems and not the Pagans.

**The Second Member for the Northern Provinces (The Hon. Abubakar Tafawa Balewa):**

Your Excellency, I think there is some misunderstanding over the intentions of the mover of the motion. The Mover I think asks for the country of Nigeria or the Regions to be given an opportunity to say whether liquor should be introduced into a place. He is not asking that either Nigeria or the Regions will say "we do not want liquor in this country" or the North to say "we do not want liquor in the Northern Provinces". The mover would like the responsibility of saying that alcohol should be introduced into a particular place in Nigeria to rest with Nigeria; and if a Region decides to have alcohol introduced into the Region it is for the Region to decide. I think that the point made by my Honourable Friend from the North was made under a misunderstanding of these intentions.

**The Hon. the Chief Secretary to the Government:**

I rise from the Government side to confirm that that is our view—that we consider that these matters should be settled by the inhabitants of the areas concerned and not under any obligations we may have to the Emperor of Japan or the King of Italy.

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama):**

I have nothing to add to the observations which have been made.

**His Excellency :**

The question is in terms of the motion.

*Motion adopted.*

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama) :**

I ask permission from this Honourable House to withdraw the following motion standing in my name:—

“ Be it resolved :

“ That this House approves the principle of national-  
 “ isation of mines and minerals and calls upon  
 “ Government to re-examine its mining policy in the  
 “ light of this resolution and take expert opinion  
 “ with a view to giving effect to this resolution.”

*Motion by leave withdrawn.*

**The Fourth Member for the Eastern Provinces (Dr the Hon. F. A. Ibiam, O.B.E.) :**

Your Excellency, I beg to move the motion standing in my name which reads as follows:—

“ Be it resolved :

“ That this Council is of the opinion that the time has  
 “ now come when Birth Registration in Nigeria  
 “ should be carried out in a more regular manner  
 “ than as at present and that steps should be taken  
 “ to make this possible.”

Your Excellency, I am glad, that there is already in existence an Ordinance entitled “ An Ordinance to provide for registration of births and deaths and to regulate burials ”. This Ordinance comes under Chapter 20 in Volume I of the Laws of Nigeria, 1948, but I am at present concerned with the registration of births. Although the Ordinance was enacted to apply to both the Colony and Protectorate of Nigeria, it appears to me, Sir, that in actual practice it is only in the Colony that the provisions of the Ordinance have been of any service at all. If births are made registerable in other townships of Nigeria, then as one sees it, the performance of such is merely obligatory on the part of the parents or whosoever was responsible for such registration. As for most rural areas of Nigeria, if not all of them, the registration of births is not even known. I consider this Sir, a very unsatisfactory state of affairs in Nigeria today. Section 3 of the Ordinance specifies the kind of births which are registerable.

Sections 8 to 16 give directions as to the way and manner such births should be registered.

The purpose of my motion, Sir, is to remind Government that the time has now come when the provisions of this Ordinance should be enforced. There are many cogent reasons why Government should take steps to make this possible.

[Dr the Hon. F. A. Ibiam]

[Motion]

Nigeria is advancing and advancing rapidly on all sides and important factors affecting this advancement should be arranged to advance with us. Apart from anything else, and in the ordinary course of one's life, a man or a woman feels only satisfied to know the exact hour and date and year of his or her own birth. A vast majority of the people of this country have not that pleasure or are ever likely to have such a pleasant assurance if things are allowed to continue in this way. This is the age of scholarships in Nigeria. A promising and outstanding pupil may lose the award of a much coveted scholarship solely because his or her age was unknown. Our schools are now beginning to be rather selective with respect to the ages of school pupils in particular standards or classes, as the Honourable the Director of Education will tell us. Laws are being enacted which deal specifically with the ages of certain categories of people. The idea of labour cards and Employment (or is it Unemployment) Exchanges and all the paraphernalia of unemployment will not always be confined to the Colony of Lagos. Juvenile Courts for juvenile delinquents have come to stay. At a pinch the assessors in a juvenile court cannot be sure of the age of any young offender.

These, Your Excellency, are a few examples picked at random to show the necessity of people having their births properly and duly registered for official use whenever the occasion calls for it.

Clause 4 of the Ordinance provides for the appointment of Registry Officers and Registrars of varying grades. There are no such Registry Officers nor special Registrars in many parts of the country today, and the Ordinance came into existence since 1918! May I suggest, Sir, that town and village schools be empowered to take records of births in towns (not townships) and villages. Teachers can act as registrars of births. It is only a suggestion. If it seems out of bounds then let us have properly appointed Registry Offices and properly appointed Registrars of Births. All our hospitals should do the same. The medical people know all about birth registration. Native Courts are out of fashion or will soon be! That is just as well. But they too could help to record births in Nigerian villages.

Section 14 of the Ordinance says " every Minister or other person who shall baptise any infant whose birth is registerable shall, before performing the rite of baptism upon such infant, require production to him of a certificate of registration of the birth of such infant signed by the Registrar, and in case no such certificate shall be produced to him, he shall, within forty-eight hours from the baptism, given notice of same in writing on Form G in the First Schedule to the Registrar at the office at which the birth of such child should have been registered. Penalty—fine of £1."

[Dr the Hon. F. A. Ibiām]

[Motion]

I ask, Sir, where is this Minister going to get this birth certificate and who is to pay the fine? And I would like to read from Form G. Form G states:—

## FORM G

## BIRTHS, DEATHS AND BURIALS ORDINANCE

(Chapter 20)

*Notice to Registrar by Person baptising Infant without production of Certificate of Registration of Birth*

I, the undersigned, hereby give you notice that on the day of \_\_\_\_\_, 19\_\_\_\_, I baptised an infant of the name of \_\_\_\_\_, the child of \_\_\_\_\_, of \_\_\_\_\_, and \_\_\_\_\_, his wife, and that no certificate of registration of the birth of the said infant was previously produced to me.

(Date)

(Signature)

(Additions)

(Address)

To the Registrar of Births and Deaths.

This creates a difficulty, Sir, and it is felt that the Ordinance should be implemented now, because it seems to me all so vague and uncertain and Government should do something about it.

Sir, may I repeat what I have often said before in this Council and elsewhere—If Government knows what is good for Nigeria and her people and it would not do it because it fears that its intention might be construed as being dictatorial or having an element of compulsion in it, then full-blooded and responsible Nigerians like myself will never appreciate that point. On the contrary, I would assume that Government did not care a hoot about our welfare. But Government does care a whole lot about the well-being of the people of this country. I know so. Then Government must not belie its honest intentions by leaving undone the things that it ought to do. The United Kingdom is a first rate country. Indeed does she not sit on top of the world even today? She is never satisfied with her achievements and they are wonderful, and stupendous achievements. She is always pressing on. Yet if His Majesty's Britannic Government decided upon a scheme or project which it knows would be beneficial to the British people it would proceed to do so. There may be a hue and cry against such a project, even from the responsible newspapers or from people reputed to be correctly educated and cultured. But the Government would not flinch in its desire to achieve the needful. That would not be compulsion. It would not be dictatorship. It would be good Government.

[Dr the Hon. F. A. Ibiam]

[Motion]

We ask you, Sir, and your good Government to help us by compelling us to achieve only the needful. It is now time, Sir, that registration of births should be carried out in a more regular manner than as at present and we implore that steps should be taken to make this needful thing possible.

Your Excellency, I beg to move.

**The First Lagos Member (Dr the Hon. I. Olorun-Nimbe):**

Your Excellency, in rising to second this motion, Sir, I think there is an error to which I would like to draw the attention of my Honourable Member for Fourth Member for the Eastern Provinces. He lays emphasis on the registration of births only. It is incomplete without adding the registration of deaths as well and the Honourable the Director of Medical Services will correct me if I am wrong, that for the purpose of vital statistics you cannot do without the other. If my Honourable Friend would like to insert that omission, Sir, I would second the motion. I am sorry I would have called the attention of the mover to it before if I had seen it before now.

**His Excellency:**

It is a conditional seconding. The motion is not seconded.

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama):**

Your Excellency, may I find out whether the motion has been seconded?

**His Excellency:**

It has not yet been seconded.

**The Fourth Member for the Eastern Provinces (Dr the Hon. F. A. Ibiam, O.B.E.):**

Your Excellency, if I may speak again, Sir? I am quite aware that there should also be the registration of deaths and also regulations for burials, but as I said in my speech, I was laying emphasis on births. That does not however obviate the necessity of registering deaths and also regulating for burials as well. If Honourable Members feel that both should be inserted, I have no objection.

**His Excellency:**

At present the motion is proposed for debate and there is no formal amendment moved as yet.

**The First Lagos Member (Dr the Hon. I. Olorun-Nimbe):**

Your Excellency, I rise to move an amendment that the word death registration as well as birth should be included.

**The Second Member for the Eastern Provinces (The Hon. H. Buowari Brown, O.B.E.):**

Sir, I support the amendment.



[Hon. C. D. Onyeama]

[Motion]

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama):**

Your Excellency, if we would be quite complete, as my Honourable Friend, the First Lagos Member has pointed out, we will not stop at death, we should bury them as well.

**The First Lagos Member (Dr the Hon. I. Olorun-Nimbe):**

If I may explain Sir, you cannot bury unless you register the death of an individual legally, after we have registered the death of the patient then you get a burial certificate for interment.

**His Excellency:**

If no other member wish to speak I shall move the amendment. That is that the terms of the motion be amended to add the words " and death ".

The motion as amended is now before the House.

*Motion adopted as amended.*

**The Hon. the Chief Secretary to the Government:**

I am not sure whether we shall have a very full morning's business tomorrow and if the discussion on the next motion is going to take very long then I personally would be in favour of breaking off and taking this motion tomorrow.

\* \* \* \* \*

At this stage, the Honourable the Chief Secretary to the Government reminded the Honourable Members concerned that the Select Committee of the Legislative Council appointed to consider the structure, composition and method of selection of the Central Legislature to be established under the revised Constitution will meet at 4.30 p.m. in the Council Chamber.

\* \* \* \* \*

Before the meeting adjourned, the President announced the composition of two Select Committees of the Legislative Council as follows:—

**SELECT COMMITTEE ON THE EXCHANGE CONTROL BILL**

The Honourable the Financial Secretary—*Chairman*.

The Honourable the Senior Resident, Calabar Province.

The Honourable the Member for the Colony.

The Honourable the First Member for the Western Provinces.

The Honourable the Second Member for the Eastern Provinces.

The Honourable the Fifth Member for the Northern Provinces.

The Honourable the Third Lagos Member.

SELECT COMMITTEE ON THE COAL CORPORATION BILL

The Honourable the Chief Secretary to the Government—  
*Chairman.*

The Honourable the Acting Attorney-General.

The Honourable the Development Secretary.

The Honourable the First Member for the Western Provinces.

The Honourable the Emir of Abuja.

The Honourable the First Member for the Eastern Provinces.

The Honourable the Fourth Member for the Northern  
Provinces.

The Honourable the Fourth Member for the Eastern Provinces.

The Honourable the Second Lagos Member.

The Honourable the First Nominated Member.

**His Excellency :**

The proposal is that we adjourn now and resume at 9.30 tomorrow morning.

**ADJOURNMENT**

*Council adjourned at 12.40 p.m.*

London, 17th Dec 1841

Dear Sir

I have the honor

to receive your letter

of the 10th inst. in relation to the

proposed alterations in the

regulations of the Board of

Education

and in reply to inform you that

the same have been referred

to the consideration of the

Committee of the Privy Council

and that they will be

presented to the Queen's

Highness in due season

and that you will be

kept advised of the

progress of the same

and that you will be

kept advised of the

progress of the same

# Debates in the Legislative Council of Nigeria

Friday, 15th September, 1950

Pursuant to notice the Honourable Members of the Legislative Council met in the Council Chambers, Lagos, at 9.30 a.m. on Friday, the 15th of September, 1950.

## PRESENT

### OFFICIAL MEMBERS

- His Excellency the Governor,  
Sir John S. Macpherson, K.C.M.G.
- The Chief Secretary to the Government,  
The Honourable H. M. Foot, C.M.G., O.B.E.
- The Chief Commissioner, Northern Provinces,  
His Honour Captain Sir Eric Thompstone, K.B.E., C.M.G.,  
M.C.
- The Acting Chief Commissioner, Eastern Provinces,  
His Honour Commander S. E. Johnson, R.N.
- The Acting Chief Commissioner, Western Provinces,  
His Honour P. V. Main.
- The Acting Attorney-General,  
The Honourable A. Ridehalgh, K.C.
- The Financial Secretary,  
The Honourable E. Himsworth.
- The Director of Medical Services,  
Dr the Honourable G. B. Walker, C.B.E.
- The Development Secretary,  
The Honourable C. J. Pleass, C.M.G.
- The Director of Education,  
The Honourable R. A. McL. Davidson, C.M.G.
- The Director of Agriculture,  
The Honourable A. G. Beattie.
- The Director of Public Works,  
The Honourable R. W. Taylor.
- The Commissioner of Labour,  
The Honourable A. H. Couzens.
- The Commissioner of the Colony,  
The Honourable E. A. Carr.
- The Senior Resident, Kano Province,  
The Honourable B. E. Sharwood-Smith, C.M.G., E.D.
- The Senior Resident, Calabar Province,  
The Honourable C. J. Mayne.
- The Senior Resident, Ondo Province,  
The Honourable T. B. Bovell-Jones.

[C.S.G.]

[Answer]

special attention to such towns arises from exceptional urban conditions, particularly in the coastal ports, and the policy carried out by the trained welfare officers in collaboration with Government Departments, local authorities and voluntary organisations is, amongst many other diverse activities, particularly directed towards organising and assisting efforts for the care and protection of children and young persons, the treatment of juvenile delinquency (through provision of juvenile courts, remand homes, approved schools, hostels and a probation service).

I am not sure if the Honourable Member wishes me to make a more general statement about the policy of the Government in relation to social welfare. The term "social welfare" is so wide that it is difficult to do so. Indeed nearly all the Departments of the Government as well as the Administrative Service are concerned with social welfare in its widest sense, which might be loosely described as better living, including economic as well as social betterment. Local Government authorities are even more closely concerned, and voluntary agencies also have a very important part to play. The main purpose should be pursued by endeavouring to strengthen the ties of family life and community organisation and to encourage community effort for improvement of conditions and raising the standard of living.

We need trained social welfare workers and those already appointed have done admirable work in a necessarily limited field. In the larger field the purposes of social welfare must be achieved by team work between Government officers and local authorities and the voluntary organisations. All these authorities can and will give encouragement and direction but, as the Honourable Member will, I am sure, agree, the driving force of all social welfare and community development must come from the people themselves.

I should add that the Social Welfare Adviser to the Secretary of State visited Nigeria last year and that the policy of the Government is now being reviewed in the light of his report.

*Supplementary Question to No. 179 by the Third Lagos Member (The Hon. Adeleke Adedoyin):—*

Is Government considering making this Social Welfare Department a separate department?

*Answer—*

**The Hon. the Chief Secretary to the Government :**

It is not proposed to set up a new Department of Social Welfare.

**The Member for the Colony (The Rev. & Hon. T. A. J. Ogunbiyi, O.B.E.):**

192. To ask the Honourable the Commissioner of the Colony:—

(a) Who is responsible to the Tax and Rate Payers of Lagos for cleaning the streets and gutters of Lagos, the "Capital of Nigeria"?

(b) If the work is given out on contract are there inspectors appointed to see that it is satisfactorily done?

[Rev. and Hon. T. A. J. Ogunbiyi]

[Question]

(c) Why are there so many gutters in the streets of Lagos with pools of water and offensive smell breeding mosquitoes right in front of many houses, e.g., Binuyo Street and others?

Answer—

**The Hon. the Commissioner of the Colony :**

(a) The streets and drains of Lagos are cleaned by the Lagos Town Council (*see* also first part of reply to question No. 42 (b) asked at the Legislative Council Meeting of the 2nd of March, 1948).

(b) Does not arise.

(c) The principal cause of stagnation which leads to mosquito breeding and offensive smells in the drains is the misuse of the drains by the public, accentuated in some cases, such as the drain at Binuyo Street, by tidal action.

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama) :**

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

(a) How many persons sustained injuries from police action in the Iva Valley incident of November, 1949? Does Government propose to pay compensation to them?

(b) If so, how much? If not why not?

Answer—

**The Hon. the Chief Secretary to the Government :**

My information is that about thirty people were injured. They all received full pay during absence from work due to their injuries. Nearly all of them have now resumed work but I understand that three are still receiving medical attention and continuing to draw full pay. If any one of those concerned can prove permanent disability Government will consider in each case on its merits whether an *ex-gratia* payment can be justified.

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama) :**

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

(a) What amount of physical damage, if any, was done to United Africa Company Limited's property in Nigeria by strikers during the recent strike of U.A.C. employees?

(b) If any damage was done, who will pay for it?

Answer—

**The Hon. the Chief Secretary to the Government :**

(a) I understand that some damage was done to United Africa Company property but I have no information as to the extent of this damage.

(b) There is no existing legislation for payment of compensation from public funds for damage caused in riot or civil disorders.

[Hon. T. A. Odotola]

[Question]

**The Second Member for the Western Provinces (The Hon. T. A. Odotola, O.B.E.):**

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

(a) Is it a fact that Government is proposing to sell its Saw-mill at Aponmu in Akure District of Ondo Province?

(b) If so, why?

(c) What are the financial positions of the Aponmu Saw-mill during the past three years up to 31st March, 1950, showing whether the enterprise during the period was run at loss or profit?

(d) If reply to (a) above is in the affirmative, will Government be good enough to give sufficiently wide publicity to such proposal to enable suitable African enterprise to make offers in view of Government repeated assurance that whenever any enterprise owned by it is to be sold, that such enterprise will be handed over on sale to suitable interested African business-men?

*Answer—*

**The Hon. the Chief Secretary to the Government:**

(a) No, Sir. Government would, however, be willing to sell the mill if it were sure that the purchaser could and would operate it to the public advantage.

(b) Does not arise.

(c) The Profit and Loss Account of the Pilot Mill shows the following figures:—

	£	s	d
1st April, 1947 to 31st March, 1948			
Profit ... ..	...	807	12 7
1st April, 1948 to 31st March, 1949			
Loss ... ..	...	501	6 4
1st April, 1949 to 31st March, 1950			
Profit ... ..	...	941	5 10

(d) Yes, Sir.

**The Second Member for the Western Provinces (The Hon. T. A. Odotola, O.B.E.):**

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

(a) Is it a fact that Government is proposing to hand over on licence to private enterprise, the Akure Government Forest Reserve which is up till now being operated by Government Forestry Department?

(b) If so, why?

(c) If reply to (a) above is in the affirmative, will Government be good enough to give sufficiently wide publicity to such proposal to enable suitable interested African enterprise to make offers?

[C.S.G.]

[Answer]

*Answer—***The Hon. the Chief Secretary to the Government :**

(a) The Government would be prepared to consider the grant of a licence to a competent commercial firm to work this reserve.

(b) The Forest Department considers that it now has sufficient knowledge of intensive working of this forest to be able to ensure that a commercial firm continues on the same lines. Under these circumstances it is desirable that commercial enterprise be given the opportunity to develop such working.

(c) Yes, Sir.

**The Emir of Gwandu (The Hon. Yahaya, C.M.G., C.B.E.):**

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

Whether the views expressed by the public that the Nigerian Railway Motor Transport should operate from Sokoto *via* Gega to Yauri is still under discussion. If so, when will this service be started? If not, why?

*Answer—***The Hon. the Chief Secretary to the Government :**

I have taken this matter up with the General Manager of the Railway but he does not consider that present conditions justify starting a road motor service to be operated by the Railway Administration from Sokoto to Yauri *via* Jega. I understand that the state of the roads and the traffic prospects along this route would make it impossible to provide a service which would pay its way.

In the current Railway Tariff No. 12, as in previous Tariffs, provision exists for through booking of goods traffic between any Railway station and Jega but there is not a great deal of traffic on this route and it is consequently stipulated that consignments of less than one ton (Class 1) and ten cwts. (Class 2) cannot be accepted. It will be appreciated that this stipulation is made in view of the fact that it would not be possible to justify rail transport of 446 miles (return journey) to carry only a few small packages.

I think that the Honourable Member will appreciate that the Railway Administration, which is operating at a loss, cannot be expected to undertake new services which would lead to an increase in the deficit.

**The Second Nominated Member (Major the Hon. J. West, M.C., E.D.):**

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

Is Government aware that the Mining Department on the Plateau is so under-staffed that proper inspection work cannot be carried out and, as a result, Tin Stealing on the Plateau has seriously increased? Will Government take the necessary steps to correct this deficiency?

*Answer—***The Hon. the Chief Secretary to the Government :**

Government is very well aware of the staff shortage in the Mines Department and is already taking steps to remedy matters. The



staff shortage is one of the causes of the increase in tin stealing, but I have little doubt that the main cause is the prevailing high price of tin.

### MOTIONS

#### The Hon. the Chief Secretary to the Government :

I first of all wish to ask permission of the Council to make an amendment in the wording of the motion which stands in my name. I wish that three words should be inserted after the word "questions" in the motion as it stands in the Order of the Day. The Motion would read, if that amendment were permitted, as follows:—

“ Be it resolved :

“ That having regard to the principle that the Civil  
 “ Service should be free from political control and  
 “ interference this Council places on record its view  
 “ that questions affecting individual cases of Civil  
 “ Service discipline should not be raised in the  
 “ Legislature either by petition or otherwise.”

If it is the wish of the Council, Sir, I shall be glad if that amendment can be made.

*Amendment agreed.*

#### The Hon. the Chief Secretary to the Government :

I wish to divide what I have to say this morning into two parts, and in view of the statement I made on a previous occasion I do not wish to keep the house long.

In the first place I should like to give an explanation on behalf of the Government of the action which has been taken in relation to petitions about Civil Servants already brought to this Council. Some time ago a petition affecting a civil servant who had been dismissed was brought to this Council by, I think, the Honourable the Second Lagos Member. It was not proposed originally that a Select Committee should be established to consider the matter raised in that petition, and the petition therefore lay on the table of the House, a reply being made to the Honourable Member by the Government. On a subsequent occasion the Honourable Member moved that a Select Committee should be appointed and the Council agreed that that should be done. The Select Committee sat and made a recommendation to the effect that if a suitable opportunity arose consideration should be given to the re-employment of the officer concerned. The Government then considered that recommendation against the background of the record of the officer, and came to the conclusion that, in view of his general record (of which the Select Committee was not aware), it was not possible to offer him re-employment.

The Government then proceeded to consider the general question of principle arising from the fact that a Select Committee of this Legislature had dealt with a matter of Civil Service discipline, and after very careful consideration of the matter of principle involved the Government decided, for the reasons which I made clear in the statement I made a day or two ago to this House, that it was not a desirable practice that matters affecting individual cases of Civil Service discipline should be dealt with in this House by Select Committee. The Government therefore decided that in future if any proposal was made to refer a petition of this kind to a Select Committee, the Government should oppose that proposal and should state its reasons. That is why when two further petitions were brought to this Council affecting discipline (the first one in regard to a Government employee and the second one affecting an employee of the Municipal Council of Lagos) I endeavoured to take the opportunity of explaining the reasons for the decision which Government had taken. The Government felt that if the practice of examining disciplinary matters in this Council were continued, it would be a disservice to the Government Service and to the country.

Having said that Sir, I feel that I must convey my apologies to the two Honourable Members concerned. They had a perfectly natural right to expect that the action taken on the petitions which they had brought to the Council would be the same action as that taken on the petition previously presented. I regret that I had not sufficient warning (that was not the fault of the Honourable Members concerned) that the petitions were to be brought on that day, for if I had had that warning I should have made it my duty to explain Government's position in advance. I should like to say that on behalf of the Government I apologise to the two Honourable Members. The position was, in short, that action was taken on a previous petition which on mature reflection we considered was not the correct action. Therefore, we had to decide whether we should continue to permit action which we thought was incorrect, or whether we should intervene to explain Government's position and policy. We decided on the latter course, but I quite understand the feelings of the two Honourable Members who, knowing a Select Committee had previously been established, were concerned that a different course had been taken in relation to the two petitions which they presented. I feel that in that respect the Government has been at fault, and the fault clearly arose when the proposal was made that the original petition should be referred to a Select Committee. I still consider, however, that since it was the Government's view that an undesirable procedure had been adopted, it was necessary that the Government should make its view clear as soon as possible, stating its reasons.

Now I wish to turn to the larger question which is raised in the motion before the House. I do not wish to elaborate at any length on what I said previously, as I believe that in this matter of principle

most of us are on common ground. I feel quite sure that members of this Council are as determined as the Government itself to ensure that the Civil Service of this country shall not be influenced or affected by politics. I previously, in this Council, made the position in relation to Government officials and politics perfectly clear. Any Government official is entitled to hold what political views he wishes, but he is not entitled to let his political views interfere in any way whatsoever with the carrying out of his duties to all the people of Nigeria. The position of Civil Servants in relation to political affairs is therefore quite plain. His first duty, whoever he may be, is to give honest advice. We don't want Government officials who give advice merely because they think that that advice will be acceptable to their superiors. It is the duty of any Government official to give his advice, and back his advice with all the vigour at his command. But having done so, once a decision is taken, once a final decision is taken by the Government which he serves, it is his equally clear duty to carry out that decision, whether he agrees with it or not, and to carry it out whole-heartedly. As I have said before, it would be a bad day for Nigeria if the execution of Government policy came to depend on the personal views, political or otherwise, of Government servants. If we were to get to a state of affairs when decisions taken by the Government of the day, either the present Government or a future Government, depended upon the personal views of Government servants, then the whole constitutional advance which we are contemplating would be vitiated. I say these things because I think it is worth repeating them but I trust that there is no dispute about them. I think it is well recognised that a democratic system must be based on a well-informed public opinion, on a representative legislature on a vigorous executive, on an incorruptable judiciary, but also on an impartial and loyal Civil Service. I believe it is my duty as head of this great Service in this country to do everything I possibly can to lead the Service to appreciate both its functions and its limitations, and to ensure that decisions taken by the Government, with the approval, where necessary, of this Council, are loyally carried out irrespective of our own personal views.

If the Council will permit me to digress for a moment on that very important point, I should like to go back to my own experience in another territory where we were operating a Constitution considerably in advance of the one at present in force in this country, and where we had elected members of an Executive Council. We would meet once or twice a week, officials and the elected members, we would discuss all questions of policy together frankly—we would express our own views on each problem which came before us vigorously—but once a decision of the Council was taken, it was the responsibility of every one of us, officials and unofficials alike, when we left the Council Chamber, to carry out

[C.S.G.]

[Motion]

the policy of the majority to the utmost of our endeavour. Sometimes I, as Colonial Secretary of that territory, had the responsibility of defending and justifying and explaining a policy with which I personally did not agree. It was my duty to state my view honestly and forcibly in the Council, but it was equally my duty once a majority decision of the Council had been given to take every possible step to give effect to it.

I think those principles in relation to the Civil Service are vital for the future of Nigeria. I believe it is essential that every Civil Servant from top to bottom should realise his obligation to all the people of Nigeria, and it is vital that his political views should not in any way influence the work which he is carrying out.

Now what has that statement of principle to do with the matter which we have previously been considering? The question of discipline in the Civil Service was of course considered in the constitutional review, and all Honourable Members present will remember, I am sure, that the proposal made was that a special body should be created which would advise the Governor on matters of Civil Service discipline. I well know what was in the minds of those at Ibadan who made that recommendation, which I believe was unanimous. It was clearly in the minds of those who made that recommendation that it is essential to ensure that matters of promotion, discipline and appointment of civil servants are not matters for political decision; they are matters which must be removed from the political arena, and I myself whole-heartedly support the principle behind the recommendation made on that matter at Ibadan. It may be that the Privy Council, which was the body recommended to deal with these matters at Ibadan, is the best kind of body to deal with such questions, or it might be that a Public Service Commission, such as exists for instance in Ceylon and in a number of other territories, would provide an equally effective means of dealing with such matters in a non-political body. The merits of the Privy Council proposal as against a Public Service Commission proposal are questions we can consider at another time. The important point I am making is this; that when those who worked at Ibadan to draw up recommendations for Constitutional advance considered this matter they came to the conclusion that individual cases of Civil Service discipline should not be dealt with in the Legislature, and indeed should not be dealt with in the Executive Councils or Council of Ministers but should be dealt with on the advice of a special, impartial and non-political body. I assume that all Honourable Members of this House support the proposal that a special body should be created to deal with these matters. I believe that it follows from that and, in fact it follows from the principles I have attempted to state, that the Legislature as such should not act as a tribunal in matters of appointment, discipline or promotion of civil servants. We have not only to think of the present but of the future too; and I believe

[C.S.G.]

[Motion]

that the principle that I have stated that civil servants must be free from political influence and that the Legislature should not in consequence deal with individual cases of Civil Service discipline—is a principle which will commend itself to this House.

Sir, I beg to move the motion standing in my name.

**The Hon. the Acting Attorney-General:**

Sir, I beg to second.

**The Second Lagos Member (Dr the Hon. N. Azikiwe):**

Your Excellency, I rise to oppose this Motion not because I disagree with the Honourable Mover in principle, but because, I feel that it is possible he has not taken into consideration certain factors: (1) Petitions which are presented to this House are governed by Standing Rules and Orders and until these Standing Rules and Orders have been amended by the House, or suspension thereof has been made, we cannot by motion, destroy the right of petitioning the House. (2) My second reason for objecting is that I feel that the principle of the motion is a denial of a right of petition in a democracy.

Perhaps by the time I have finished, the Honourable Mover will appreciate that I entirely agree with him to keep the affairs of the Civil Service outside the periphery of politics; but so far as the principle of the right of petition is concerned, bearing in mind the Standing Rules and Orders of this House, I feel that this motion is not in order.

Paragraph (7) of the Standing Rules and Orders indicate the nature of the petitions to be presented to this House, and as the Honourable Mover himself indicated yesterday, when the Standing Rules and Orders were made, they were carefully considered at the Select Committee. With your permission, Sir, I shall read what the Standing Rules and Orders say about petitions.

“ 7. (1) Every petition must be presented by some Member who shall be responsible for seeing that it complies with the provisions of paragraph (2) of this Order ”.

Paragraph 2 of this Order refers to Language.

“ The proceedings and debates of the Council shall be in the English language, but a Member may present a petition in any other language if the petition be accompanied by an English translation certified to be correct by the Member presenting the petition ”.

It proceeds:—

“ (2) The Council will not receive any petition—

(a) which is not addressed to the Council;

(b) which is not properly and respectfully worded;

[Dr the Hon. N. Asikiwe]

[Motion]

(c) which does not conclude with a prayer setting forth the general object of the petition;

(d) to which any documents are attached;

(e) which asks for a grant of public money or the release of a debt to public funds, unless the recommendation of the Governor thereto has been signified;

(f) which has not at least one signature on the sheet on which the prayer of the petition appears, and which has not at least the prayer at the head of each subsequent sheet of signatures;

(g) which is not in the English language or accompanied by an English translation certified to be correct by the Member presenting the petition." etc., etc.

If the Honourable Members will check up on the Standing Rules and Orders they will see for themselves. My point, Sir, is that unless the Honourable Mover complies strictly with the stipulations of Standing Rules and Orders No. 7 this motion is out of order.

My second argument is that there is provision in the Standing Rules and Orders whereby they may be suspended. Standing Rules and Orders No. 53 reads:—

“Any of these Standing Rules and Orders may be suspended with the consent of the President and the majority of Members present”.

The Honourable Mover has not sought to suspend the Standing Rules and Orders by complying with this particular Order No. 53. There is also the stipulation as to how our Standing Orders may be amended or revoked; that is to be found in No. 56. So that my first objection, Sir, is of a technical nature, namely: that the Honourable the Chief Secretary to the Government's motion is out of order because it is an attempt to revise the Standing Rules and Orders without satisfying the rules laid down by the House.

My second objection is that the principle of the motion is a denial of the right of petition in a democracy. The Civil Service is a subordinate institution of the Executive, and certainly it cannot be a superior structure beyond the jurisdiction of either the Legislature or the Judiciary; otherwise the Civil Service becomes an untrammelled Bureaucracy.

I am in sympathy with the Honourable Mover because it is necessary for the Civil Service to exist outside the periphery of politics, but in the interest of justice it is desirable that there should be checks in order to control the executive acts of certain Civil Servants. There have been instances where petitions have been presented to this House and a Select Committee, after studying same, found such petitions were justified. If the motion of the type presented now by the Honourable Mover had been in force, an act of injustice might have been perpetrated unchecked.

Your Excellency, another speaker has already pointed out that we have orders and regulations governing the action of this House, and in section 7 of the Standing Rules and Orders we are told about petitions. Here we are not told to give notice in respect of petitions; that was why those who sponsored the two petitions which came before this House a few days ago did not give notice to this Council in respect of these petitions. We are told specifically the type of petitions which would not be accepted in this House, and when the members presented their petitions they were well aware that their petitions would come within the ambit of this House. It was therefore with considerable surprise to the House that the Honourable Mover made the statement he made at that time, and thus frustrated the efforts of the Honourable Members to bring their case before this House. I submit, Sir, that if the Honourable Member had wanted to do that he could have allowed these petitions to go before a Select Committee, and then warned the House that he would give notice to amend section 7 of Standing Rules and Regulations of the House. On that score I would suggest that Government, being in the wrong this time, would it please Government to consider these petitions which were brought before this House?

The second point, Sir, is that it is very hard to think that any person in this country who had a grievance, and felt his grievance should be looked into, should not have the right for the legislators to help him get justice; and if the Civil Servant is barred by disciplinary measures from the right of having his case seen to by members of the Legislative Council, I feel very sorry indeed. There is no other means of doing that and the Honourable Mover himself says that we should not be heard either in the Legislative Council or in the Executive Council. Where then, Sir, may I ask, could this man get redress if he found he was being treated unjustly?

If the Honourable Mover would amend his motion and give notice that at a future date he would like to amend the Standing Rules and Orders with regard to petitions I would be prepared to support his motion, but until then.

**The Second Member for the Northern Provinces (The Hon. Abubakar Tafawa Balewa):**

It was not, Sir, my intention to take part in the debate on this motion, but sitting here something has just come to my mind and that is, from the points of those who spoke in opposition to the motion, it appeared, Sir, that there is something wrong somewhere. Now, while agreeing in principle that Civil Servants should be free from political control and interference, yet, Sir, I blame the Government for not making the position absolutely clear to Civil Servants and to the Legislature. Were this done I think the difficulties we are now confronted with should not have arisen. I think that Government should make the position clear to the Civil

[Hon. Abubakar Tafawa Balewa]

[Motion]

Servants and at all times let the Civil Servants know how, why and when they are dismissed. Now the petitions presented the other day in this House suggested that the petitioners were not informed of their dismissals, and it appeared also that they were not given the opportunity to state their cases. If we say the Civil Servants should not petition this House, I do not know, Sir, how the complaints of the Civil Servants can be heard. It is a common thing in this country to find Civil Servants approaching the Government sometimes direct and not through their Heads of Department. Well, I think that in order to make the position better petitions of any kind from Civil Servants to the Heads of Government—other than Departmental Heads—must be discontinued. We know that the Civil Service is composed of different classes of people and it is not uncommon also to find that members of trade unions think that their union has control over the Departmental executive under which they work.

Now, all these are the difficulties which are before us and I think that we cannot get away from these difficulties if the position is not made absolutely clear, and so I do not know whether, though I support the motion in principle, I can give my support to the motion as it stands without certain safeguards—that is ways and means by which the Civil Servants can be heard. Your Excellency I think, therefore, I am neutral.

**The Fifth Member for the Eastern Provinces (The Hon. Nyong Essien):**

Your Excellency, I rise to oppose this motion. On the first day when notice of this motion was given I opposed the motion. That was before it came to birth, but unfortunately I was misunderstood by the Chair when I asked whether there was a legislation from this House to oppose submission of a petition with a view to seeking justice. Perhaps I was not quite clear. Since this motion has now come to be discussed and has proved itself to rise above the level of justice, I feel I must oppose it.

I do not know whether there is any group of men or any circle where Civil Service discipline rises above justice. If such a discipline is found above the level of justice—well, there is no appeal. The Civil Service discipline must be satisfied because the Civil Servant has got justice, but if that discipline appears to be below justice, certainly there must be an appeal for justice and a redress must be supplied. In the motion the Honourable Mover does not show where and how, if a Department of discipline is below justice, the servant disciplined should seek justice. Civil Service discipline being not issued from a Court of Law, the servant cannot appeal from a lower to a higher court against such discipline. Since we have been practising receiving petitions in this House and supplying redress to certain injuries, I feel that this practice should continue until there be a legislation in this House against submission of petitions here; and when that will be done, I



[C.S.G.]

[Motion]

been put down and I thank Honourable Members on all sides of the House for the thoughtful comments which they have made on this vital matter. I think we shall all agree that the discussion has been very much worth while.

The Honourable the Second Lagos Member has suggested that I have said that petitions cannot be dealt with under the existing Standing Rules and Orders. That is not so. There is nothing in the Standing Rules and Orders which precludes us from dealing with petitions of any kind. I immediately accept the point, and I never wished to suggest to the contrary. My suggestion was, however, that in respect of a certain category of subjects this Council should, of its own decision, declare that it does not consider that petitions should be entertained or referred to Select Committees. There is nothing to stop this Council making such a decision if it wishes to do so.

The second point relates to the right of petition or appeal. Of course a Civil Servant who feels that he has been wronged in any matter must have a right of petition. I agree entirely that if they were left merely in the hands of their superior officers in such matters without right of appeal they would feel that they were in a position of insecurity. But the right of petition or appeal of course exists. The rights of petition under Colonial Regulations are clearly laid down—petition to the Governor and to the Secretary of State—and indeed, I believe I am right in saying that in both the cases we were dealing with a day or two ago appeals had already been made to the Governor and to the Secretary of State, and replies received. I might say in passing that from my experience in the Colonial Service I can assure Honourable Members of this House that when petitions are referred to the Governor or Secretary of State, sometimes by the humblest employees, they receive the most careful examination. Indeed I have known a number of cases in which the decision of the immediate superior has been over-ruled. It is therefore quite incorrect to suggest there is no right of petition or appeal. That right exists at the moment under Colonial Regulations.

My third point is that it is apparent from the discussions which we have had here this morning, and I am delighted it is so, that there is no dispute whatever on the general principle—and I am very glad that it has been accepted on all sides of the House. That is a most important and satisfactory state of affairs. The principle which we have stated, and which has been confirmed from all parts of the House, is that the Civil Service must now and in the future be kept free from political influence.

Now, Sir, I want to ask the House to think what would be the result if we did appoint Select Committees whenever such petitions were presented to us. In a Service of this size there are, of course, bound to be people who have grievances in all ranks of the Service from time to time—grievances in relation to appointment,

[C.S.G.]

[Motion]

promotion, disciplinary measures and dismissal. In this House we have so far only dealt with one petition by reference to Select Committee. Two more petitions have recently been received and I ask the Council to consider what the position would be, which I anticipate might well develop, if almost every individual civil servant who felt he had a grievance, referred his petition to this Council for examination by a Select Committee. It is not sufficient to consider this matter in relation to one case or three cases, it is necessary to consider whether as a regular practice we are going to encourage any disgruntled Civil Servant who has already appealed to the Secretary of State for the Colonies to turn to this Council and to attempt to get a reversal of the Secretary of State's decision. I do suggest to this Council that a most serious situation would result if that were a common practice. I would also suggest that had we accepted the two petitions presented on this occasion, that would most certainly have led to a flow of petitions of all kinds and I believe that the result would have been gravely detrimental to the Service as a whole. I therefore think that this Council would be ill-advised to establish Select Committees to deal with petitions of this kind.

At the same time I very much agree with several Honourable Members who have said that this is a matter which must be carefully considered in relation to the new Constitutions and indeed as I said the recommendations of the Ibadan Conference on this matter were clear. In view of the suggestions which Honourable Members have put forward I now suggest a variation in the wording of my motion. I think that if this variation is accepted, we shall have performed a very valuable task because I am proposing that we shall state a principle in which I think that we all believe. The amended motion which I now propose to you reads:—

“ Be it resolved :

“ That this House fully supports the principle that the  
“ Civil Service should be free from political control  
“ and interference and recommends that the  
“ necessary steps be taken to ensure that this  
“ principle is given effect when constitutional  
“ changes are made and the Standing Rules and  
“ Orders are revised.”

I believe that that would meet the wishes of the House, and would, in my opinion, fully meet the principle I have been attempting to state, that is far more important than the question of how the three petitions should be dealt with. I ask leave of the Council to vary the wording of my motion accordingly.

**The Third Lagos Member (The Hon. Adeleke Adedoyin):**

On a point of information, Sir, what will be the position of Civil Servants before the new Constitution comes into force?

[Dr. the Hon. F. A. Ibiyam]

[Motion]

Instead, Government preferred to introduce the policy in a hugh-hush fashion, leaving it to Unofficial Members to do what they liked in the matter. The question of private practice, Sir, by Government doctors is important to the people of this country and Government should have introduced a motion on this statement of policy and thus given Honourable Members of this Council a chance to discuss the policy as we are now doing. I must pay tribute to Sir Sidney Phillipson for the work he has done so accurately. Sir Sidney has presented the country with a document which sets forth the results of a careful and scholarly research. He has treated the whole subject most exhaustively and in a masterly fashion. The recommendations put forward by Sir Sidney have been accepted by Government and are regarded as satisfactory, particularly in respect of the recommendations on page 5 (b) relating to recommendations to injection practice, and on page 6, affecting unofficial private practitioners not serving voluntary agencies. Page 7 affecting Dental Officers.

I sincerely hope that Government will act on these recommendations if the medical profession so much respected throughout the world and our medical practice in Nigeria are to be saved from the throes of iniquitous practices and shameless conduct which are so glaringly evident in Nigeria today. I do not, however, accept certain sections of the recommendations (a) on pages 3, 4 and 5, that is to say, "recommendations affecting Government Medical Officers." Under this heading recommendation No. 1 says:

"Subject to an option being allowed to medical officers appointed before the 1st January, 1934, or appointed on the same terms, in the matter of private practice, as such officers to remain on their present conditions of service in respect of private practice, no personal or private professional charge shall be made by Government medical officers for services rendered within any Government (including Native Administration) hospital, dispensary or other medical institution provided at public expense. This recommendation applies alike to in-patients and out-patients."

I object to the indefiniteness of the policy. It is to be optional on the part of the Medical Officer concerned. "If he elects for the revised conditions", says the recommendation No. 4 page 4. It seems to me that Government is not anxious to put a stop to private practice by its medical officers. Government should take a firm stand in the matter and say that all medical officers appointed shall be required to accept the revised conditions, because, Sir, the Government doctors should not be left to decide the issue themselves whether they are to follow or reject a non-compensatory allowance, knowing that they would make a lot more in private practice than their annual salary and compensatory allowance put together. This offer of compensation by Government in lieu of

[Dr the Hon. F. A. Ibiam]

[Motion]

contract or treaty right has been done elsewhere with a good deal of satisfaction. The United Africa Company, heirs to the Royal Niger Company have been paid the sum of one million pounds as compensation for their mineral rights—rightly or wrongly—in certain parts of Nigeria. This has been done in the interest of Nigeria. There is no reason why similar action should not be taken in regard to the right of private practice by officers of the Department of Medical Services. Any officer who does not like these terms is at liberty to resign from his appointment and set up in private practice on his own. The compensations as stated in Nos. 1, 3, 4 and 5 of section 4 on page 4 are just and equitable and that should be the end of the matter.

Section 6 (1) on page 5 says:—

“ Medical officers (including the officers now known as Assistant Medical Officers) not employed on work or in posts from which private practice is debarred shall be allowed to practise privately outside public institutions, such extra-mural private practice being regarded not as a right or privilege to be enjoyed but as a means of helping to meet a public need and, where private practitioners are established, of supplementing their service to the public.”

This is a contradiction in terms. What does extra-mural private practice mean? I do not know what meaning Government attaches to it. For myself it has no meaning whatsoever, other than private practice one way or the other. Such an officer, be it noted, was to be allowed to practice privately outside public institutions. How is this favoured officer going to practice privately and extra-murally, without regarding it as a right or privilege? Who is going to be the judge?

No. 2 of section 6, page 5 provides conditions for this extra-mural private practice. It says, Sir, that extra-mural private practice shall be subject to the following conditions:—

- “(a) It is undertaken by medical officers as a service to the public incidental to their primary and full-time official duties.
- (b) It can be undertaken without detriment to the faithful and efficient performance of official duties.
- (c) In no case shall a Government medical officer be allowed to open a private consulting room or a private hospital or to set up openly in private practice by any similar expedient.
- (d) In undertaking extra-mural private work the medical officer shall be under an obligation to co-operate with any available practitioner, only accepting applicants for his services if satisfied that it is the special wish of such patients to be attended by him and the courtesies normally observed within the Medical Profession have been adhered to.”

[Dr the Hon. F. A. Ibiām]

[Motion]

The Secretary of State for the Colonies has no two views regarding private practice by Government doctors. I must quote an extract from Sir Sidney Phillipson's report on page 24, paragraph 20—The Despatch of the 17th January, 1946:—

“ As I have already noted (paragraph 2) the Secretary of State addressed in January, 1946, a Circular Despatch to Colonial Governors on the subject of private practice by Government medical officers. This despatch clearly represented the conclusions reached by the Secretary of State after consideration had been given to the views expressed by the various Governors on the Advisory Committee's recommendation (quoted in the preceding paragraph) on this particular aspect of medical policy. That recommendation had received such clear acceptance by the Governors and their advisers as to confirm the Secretary of State in his view that it was a matter of substantial importance to the public interest that the general principle of abolition should be accepted and effectively applied.

The Secretary of State considered that the general principle might be elaborated in detail as follows:—

- (i) Medical officers should be regarded as whole-time servants of Government in the same way as other Government officers.
- (ii) Private practice for remuneration by medical officers (other than part-time officers) should be prohibited. This prohibition should be extended to the acceptance of contracts to treat employees of private firms.
- (iii) Any fees payable by patients receiving treatment in a Government hospital or otherwise by a Government medical officer should be paid in full to Government.
- (iv) The salary of a medical officer should be deemed to cover remuneration for any work which he does including the giving of treatment to members of the public when there is no private practitioner available; but subject to adequate safeguards he should be entitled to the reimbursement of one-half of any fees paid by members of the public for consultation at the request of another medical practitioner, except when the patient is an inmate of a Government hospital or institution. Fees for operations and other special work demanding a specialist qualification should be divided in the same proportion between the officer and the Government, which should lay down a schedule of maximum charges.”

It is clear that in the interests of the country private practice by Government doctors should be abolished, and I am sure that we are all willing that adequate compensation should be made to them

[Dr the Hon. F. A. Ibiām]

[Motion]

“to induce such officers to forego their acquired rights and privileges” so long as no arrears are paid. Therefore, Sir, I strongly oppose private practice by Government medical officers. I have so far only condemned private practice, but I would now mention one or two ways in which we can help to stop it. One is that compensation should be paid to medical officers who, under contract, are privileged to practice privately. I would like to make other suggestions. (1) Government should employ specialist staff to man our hospitals, which should be used only for the very sick. (2) Sick people should be encouraged to consult general medical practitioners who should refer all the serious and surgical cases to the hospitals. (3) Government doctors in Lagos who are not specialists should be posted to the rural areas and should consider themselves as general medical practitioners. This should be applicable to Government doctors in places like Port Harcourt, Calabar, Enugu, Ibadan and Kano. (4) More work should be given to the Voluntary Agency hospitals, which are only too happy to co-operate, and do all they can to relieve the difficulties of shortages of doctors. (5) If we had more hospitals of the cottage hospital type throughout Nigeria instead of putting up expensive buildings as we are doing now, general medical practitioners could give voluntary service to such hospitals. If Nigerian members of the medical profession cannot give voluntary service to our hospitals as is done in other countries, then it is a perfect shame and people should not talk about self-government to me at a high level. (6) The Honourable the Director of Medical Services should kindly consider seriously and give effect to the recommendations of Sir Sidney Phillipson, as stated on page 6, which I should like to quote, marked (c).

*“ Recommendations affecting unofficial private practitioners  
not serving Voluntary Agencies*

IX (1) In general the policy should be to protect the legitimate professional claims and interests of the unofficial private practitioner and to bring him within the ambit of official interest, support and supervision.

(2) In appropriate circumstances unofficial private practitioners should be offered fees or retainers for the performance of particular official duties, *e.g.*, medical inspection of school children, attendance at certain dispensaries, etc.

(3) If the unofficial private practitioners in any town or area express themselves as willing to work as a group, favourable consideration should be given to providing them at public expense with facilities in the form of a fully equipped Health Centre.

(4) If a private practitioner is willing to undertake medical work in an area which is either unserved or underserved and where there is in the judgment of the Director of

[*Ag. Ass. Gen.*][*The Criminal Code Ordinance*]

which certain acts constitute offence from thirteen to fifteen years; and secondly, to re-define the expression "unlawful carnal knowledge" to include marital intercourse with a wife below fifteen years of age. Clause 3 deals with a distinct and separate matter, and its purpose is to restrict the necessity for corroboration in prosecutions for sedition to cases of oral sedition. I should say that after further consideration the Government has decided not to proceed with clauses 2, 4, 5 and 6 and I undertake to move the necessary amendments at the committee stage, if the Bill is given a second reading.

Your Excellency, considerable opposition was raised to these provisions when the Bill was before the Regional Houses and the Government has, in the short time at its disposal, reconsidered the provisions of these clauses. The clauses were inspired, Sir, by a desire to take action in relation to child prostitution in certain areas, which had been reported upon to the Government by the welfare authorities. In the course of the debates in the Regional Houses, it became apparent that conditions varied to a great extent in different places throughout this vast territory, and that the subject with which these clauses deal should possibly be dealt with less rigidly than is provided for in the clauses. It is obviously undesirable to attempt to re-cast the clauses at short notice, and there is therefore no alternative but to withdraw them, so that careful consideration can be given to the possibility of finding a solution to the problem acceptable to public opinion, and it may well be that some solution can be found on a regional basis.

Now, as regards clause 3. There was also opposition in certain quarters to this, but Government considers that the amendment proposed is a reasonable and desirable one and, for that reason, we are proceeding with the Bill. As I have said, the effect of the amendment will be to restrict the necessity for corroboration to cases of oral sedition. As the law stands at the moment, a witness called to prove a particular fact relevant to a charge of sedition has to be corroborated. Now it is considered that this is an unreasonable requirement, for if the witness is believed on his oath, where is the necessity for corroboration? In the case of the spoken word, there is, I think, a distinction and the provision for corroboration there is desirable, because the witness may have been mistaken as to what the speaker was saying, and I think, therefore, that there is an exception to be made in the case of a charge involving the spoken word. I therefore commend the amendment proposed by clause 3 to the consideration of this Council. Sir, I beg to move.

**The Hon. the Chief Secretary to the Government :**

Sir, I beg to second.

*Bill read a first time.*

[C.S.G.]

[Coal Corporation Ordinance]

**The Hon. the Chief Secretary to the Government :**

Before we conclude, might I ask that the Members of the Select Committee on the Coal Corporation Bill remain behind to discuss this matter?

**The Hon. the Acting Attorney-General :**

May I interrupt on a matter I neglected to bring up before? I beg to give notice that at a later date during this meeting I will move the second reading of the Bill which has just been read a first time.

**His Excellency :**

Will Members of the Select Committee on the Coal Corporation Bill remain behind?

Council will adjourn until 9.30 a.m. tomorrow morning.

#### ADJOURNMENT

*Council adjourned at 11.40 a.m.*



## UNOFFICIAL MEMBERS

- The Member for the Colony,  
The Rev. and Honourable T. A. J. Ogunbiyi, O.B.E.
- The First Member for the Western Provinces,  
The Honourable A. Obisesan, O.B.E.
- The Second Member for the Western Provinces,  
The Honourable T. A. Odutola, O.B.E.
- The First Lagos Member,  
Dr the Honourable I. Olorun-Nimbe.
- The Emir of Gwandu,  
The Honourable Yahaya, C.M.G., C.B.E.
- The Emir of Katsina,  
Alhaji the Honourable Usuman Nagogo, C.B.E.
- The Oni of Ife,  
The Honourable Sir Adesoji Aderemi, K.B.E., C.M.G.
- The Atta of Igbirra,  
Alhaji the Honourable Ibrahim.
- The Emir of Abuja,  
The Honourable Sulemanu Barau.
- The First Member for the Northern Provinces,  
The Honourable Bello Kano.
- The First Member for the Eastern Provinces,  
The Honourable C. D. Onyeama.
- The Second Member for the Northern Provinces,  
The Honourable Abubakar Tafawa Balewa.
- The Second Member for the Eastern Provinces,  
The Honourable H. Buowari Brown, O.B.E.
- The Third Member for the Northern Provinces,  
The Honourable Iro Katsina.
- The Third Member for the Eastern Provinces,  
The Honourable A. Ikoku, O.B.E.
- The Fourth Member for the Northern Provinces,  
The Honourable Aliyu, Makaman Bida.
- The Fourth Member for the Eastern Provinces,  
Dr the Honourable F. A. Ibiam, O.B.E.
- The Second Lagos Member,  
Dr the Honourable N. Azikiwe.
- The First Nominated Member,  
The Honourable P. J. Rogers.
- The Fifth Member for the Northern Provinces,  
The Honourable Yahaya Ilorin.
- The Third Member for the Western Provinces,  
The Honourable G. I. Obaseki.
- The Fifth Member for the Eastern Provinces,  
The Honourable N. Essien.

- The Third Lagos Member,  
The Honourable Adeleke Adedoyin.  
The Member for Calabar,  
The Honourable E. E. E. Anwan.  
The Second Nominated Member,  
Major the Honourable J. West, M.C., E.D.

**ABSENT**

**OFFICIAL MEMBER**

- The Director of Education,  
The Honourable R. A. McL. Davidson, C.M.G.

**UNOFFICIAL MEMBERS**

- The Oba of Benin,  
The Honourable Akenzua II, C.M.G.  
The Third Nominated Member,  
The Honourable N. B. Edwards.  
The Fourth Member for the Western Provinces,  
The Honourable A. Seetan.

**PRAYERS**

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

**CONFIRMATION OF MINUTES**

**His Excellency :**

The minutes of the last meeting have been circulated. The question is that the minutes as circulated be confirmed.

*The minutes are confirmed.*

**PAPERS LAID**

**The Hon. the Financial Secretary :**

I rise to lay on the table :—

The Report of the Select Committee of the Legislative Council appointed to consider the Bill entitled :—

“ An Ordinance to confer powers, and impose duties and restrictions, in relation to gold, currency, payments, securities, debts, and the import, export, transfer and settlement of property, and for purposes connected with the matters aforesaid.”

**The Hon. the Chief Secretary to the Government :**

Your Excellency, I have the honour to lay on the table of the House the following papers :—

Report of the Select Committee of the Legislative Council appointed to consider the Bill entitled :—

“ An Ordinance to provide for the Establishment of a Corporation to be known as the Nigerian Coal

Corporation, for the transfer to the Corporation of all Colliery Undertakings of the Government, and for purposes connected with the matters aforesaid ”.

Report of the Select Committee of the Legislative Council appointed to consider the structure, composition, and method of selection of the Central Legislature to be established under the revised Constitution, with reference to paragraph 7 of the Report of the Select Committee of the Legislative Council dated the 1st of April, 1950, on Review of the Constitution and the recommendations made thereon by Regional Houses.

Report of the Commission of Enquiry into the Okrika-Kalabari Dispute.

Annual Report and Accounts of the Northern Regional Development Board, 1949-50.

### MOTIONS

#### The Hon. the Chief Secretary to the Government :

Your Excellency, I rise to move the motion which stands in my name which reads as follows:—

“ Be it resolved :

“ That the Report of the Select Committee of the  
 “ Legislative Council appointed to consider the  
 “ structure, composition and method of selection of  
 “ the Central Legislature to be established under the  
 “ revised Constitution, with reference to paragraph  
 “ 7 of the Report of the Select Committee of the  
 “ Legislative Council dated the 1st of April, 1950,  
 “ on review of the Constitution and the recommend-  
 “ ations made thereon by Regional Houses be  
 “ adopted.”

The Report is quite short and, with the permission of the Council, I shall read it:—

“ Report of the Select Committee of the Legislative Council on the composition of the Central Legislature—

The recommendations of the Select Committee are as follows:—

- (1) In present circumstances it will be preferable to have one House rather than two in the Central Legislature.
- (2) In view of the respective populations of the Regions, the representation of the Northern Region in the Central Legislature should be equal to the representation of the other two Regions together.
- (3) There should be 148 members of the Central Legislature.
- (4) For the present the Governor should continue to preside.

[C.S.G.]

[Motion]

- (5) Six members should be appointed by the Governor to represent interests which in his opinion are not adequately represented.

That Report, Sir, comes from a Committee which, in effect, was a Select Committee of the whole House, except for some of the Official Members. The matter has been fully discussed in that Select Committee and I do not wish, at this stage, to add to the statement of the recommendations. I wish to move the Motion which I have just read to the House.

**The Hon. the Acting Attorney-General :**

Sir, I beg to second.

**The Third Lagos Member (The Hon. Adeleke Adedoyin) :**

Your Excellency, the most important of the views expressed by the Select Committee was that of the representation in the Central Legislature. My views of course would be embodied in the minority report which will be forthcoming from the Select Committee, but it appears to me, and I make bold to say it, that if we adopt the Select Committee's majority report on that particular point we are going to have three Nigerias in the future because I do not agree that one of three Regions should stand in a position where it would dominate the other two put together.

**The Second Lagos Member (Dr the Hon. N. Azikiwe) :**

Your Excellency, I do not intend to waste the time of the House because my views on this Report are incorporated in the Minority Report signed by myself and my friends, the Honourable the First and Third Lagos Members. I feel that, consistent with the universal practice of Federalism in other parts of the world, a bi-cameral legislature is usually resorted to when an impasse of this nature arises, in order to obviate any particular region from dominating the others. My other objection is in connection with the increased representation for special interest. I feel that it is not sound fundamentally because it implies the creation of a privileged class.

**The Oni of Ife (The Hon. Sir Adesoji Aderemi I, K.B.E., C.M.G.) :**

Your Excellency, I feel I should make some remarks, and that is that I regard myself as a representative of the Western Region. It should be remembered that the Western Region has expressed the views in favour of two Houses just as a way out of the deadlock we have reached. In doing so the Western House of Assembly tried to follow the Government's advice which was given at Enugu that the question of a second house should be considered in the various Regions so that we may get over this trouble.

I have made my position clear in the Select Committee that, according to Yoruba custom when a representative is sent by one assembly to another with a message he cannot deal with any issue

[Oni of Ife]

[Motion]

newly arising from their discussion. He is bound to refer back home for instructions. On account of that I cannot say that I agree with this decision, for I have no right to vary the decision of the House of Assembly which sent me.

I realise that majority decision was responsible for all we have done on the revision of Constitution in the past, and I realise the fact that, with all the Eastern members supporting the North in its demand for 50 per cent of the seats at the centre, the table is turned, and as usual the decision that is reached by the majority would prevail. Nevertheless, as we of the West have not dared to vary the decision of our colleagues in the Western Region at the Select Committee, we still do not wish to vary it now. I just want to make that clear.

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama):**

Your Excellency, this matter of representation of our Central Legislature has been a very difficult problem which has puzzled the minds of many of us since the Ibadan Conference. At Ibadan I was very much against the idea of having one Region represented in such great numbers as to balance the other two Regions put together, but I have given the matter further thought and the problem as I see it now is whether we propose to have one Nigeria or to have a break between the North and the South. If we all agree, as we appear to have done, that we must have one Nigeria then we must then consider what sacrifices we have to make to maintain that unity. I think that any student of history will remember that the United States had to fight a Civil War in order to maintain its own unity. If all the sacrifice we make in this country is to allow the Northern Region, which is also part of Nigeria, to have 50 per cent representation, and thereby achieve unity, I think we would have got away very lightly indeed.

Now when the question of two Houses came up for consideration, some Member from the Eastern Region thought that that was really not an answer to the problem. For one thing we could not exactly decide on the function this Upper House was going to fulfil. If it was going to be merely a House to delay legislation or to make the Lower House think again, we thought it was dilatory and there was no point in delaying the legislation unduly or in fact delaying the ordinary functions of the Legislative Assembly. Furthermore we thought that even if we gave the North 50 per cent representation we still had a Council of Ministers at the centre whose votes, as a matter of honour, are bound to be the same once they have reached a decision as regards Government policy.

Then, again, there was the floating vote of the official members (I will call them the official members for want of a better name)—the Attorney-General, the Financial Secretary, the Chief Secretary and the three Chief Commissioners or Lieutenant-Governors as they

[Hon. C. D. Onyeama]

[Motion]

will be called, and this cumulative voting force is something which might well decide at any given time which way a decision will go. It is not therefore true to say that either Region, though having a 50 per cent representation, would necessarily dominate the others because, as I pointed out, there are these eighteen votes which will determine any given position.

Then finally you have to remember, Sir, that up to now in this House we have never yet come to a stage, or if we have done so it has been very rarely, when any Region has voted merely because of Regional alliances. It has been either because the Region felt strongly on the particular point or because they felt that the views of the other Regions were unacceptable. But I have myself seen several occasions in this House when Members from the North have among themselves voted differently and only two days ago we had an example, when we had a division, when some Members from the North voted 'aye' and others voted 'no'. It has taken three years to reach this stage when members have decided issues from their individual point of view, and I do not think that we should be unduly alarmed about what will happen if the North gets 50 per cent representation.

And finally, Your Excellency, I think it should be made clear that this is not the end of Nigeria's constitutional evolution. This is only the beginning of the next stage and if we are not prepared to make sacrifices now and try to arrive at some *modus vivendi*, what hope is there that after the first five-year period there will ever be any further march forward on the road to self-government.

Your Excellency, I support the motion.

**The Fourth Member for the Eastern Provinces (Dr the Hon. F. A. Ibiam, O.B.E.):**

Your Excellency, the First Member for the Eastern Provinces has really put in a nutshell what we—those of us who live in the Eastern Region—have in mind and I would like to congratulate him for stating the case so clearly and pointedly. Everybody is aware that we were entirely opposed to the idea of the North having parity with the Members of the East and West. As he has stated, we want to do everything possible to make us feel now that we can unite and that we can decide our problems if left to ourselves. This question of parity of representation in the centre is really putting us forward every time and instead of deciding this case right there in Ibadan or perhaps in Enugu, we have come here and started quarrelling about it. It does really show that if given a chance we in Nigeria would be prepared to come together and compromise, and the Honourable the First Member for the Eastern Provinces has stated that we should be prepared not only to compromise but to sacrifice certain things. When there is a federal system each section is supposed to give and take, and we in the Eastern Provinces are prepared to give and take; we are prepared

[Dr the Hon. F. A. Ibiam]

[Motion]

to compromise, and we want to be one united Nigeria. The idea of making regions is not that we want to be separate but that we may have a certain amount of autonomy, so that we can arrange our own internal affairs without reference to the centre. And if there is anything which is of interest to all Nigeria the Central Legislature will be there to decide it. I feel convinced that our decision with respect to the report made by the Chief Secretary is good and I stand by it.

Thank you, Sir.

**The Second Member for the Eastern Provinces (The Hon. H. Buowari Brown, O.B.E.):**

Your Excellency, I rise to support all that the two previous speakers from the East have said. It is our well-considered view that in order to obtain our wish, a unified Nigeria, with good feelings from all sides, that we should make this supreme sacrifice, as it is termed. We felt very much that people on the other side were not convinced that this was a proper move but we on our side think that this is the only way by which we can make the next appropriate move towards the goal we are aiming to achieve, and therefore I think the East stands by what we have done in the Regional House and will stand by it.

**The Third Member for the Eastern Provinces (The Hon. A. Ikoku, O.B.E.):**

Your Excellency, I am sorry that three Honourable Members from the East have spoken and have left out a point, quite inadvertently, which with your permission I beg to put in. I want on behalf of the East to compliment our friends from the North for their own share of contribution in the general compromise we have reached. It must not be forgotten by members who were at Ibadan that the Northern Members would not have the Southerners stand for their own House of Assembly. They have gone now back on that most unpleasant decision. They themselves started off at Enugu to show some signs of friendship, and to stretch to us the right hand of friendship. It is only fair and reasonable that the East with its usual warmth of heart should reciprocate that. It is not for the North to say that because they naturally will not sing their own praise. I just want to compliment them on behalf of the East.

**The Second Member for the Northern Provinces (The Hon. Abubakar Tafawa Balewa):**

Your Excellency, I think the House might like to hear a sentence from the Northern side. The decision taken by the Select Committee appointed by this House to go into the question of the Central Legislature is a clear indication that the Regions of Nigeria really want to go together as one people. We have been

[Hon. Abubakar Tafawa Balewa]

[Motion]

one people, and we shall remain one people. We thank the people of the East and all those who contributed to the discussions of the Select Committee.

**The Fifth Member for the Northern Provinces (The Hon. Yahaya Ilorin):**

Your Excellency, I would rather like to offer on behalf of the Northern Region our congratulations to the Eastern Members for removing this deadlock. It is not our intention and it will never be our intention to divide this country into three Regions. It is always our intention to maintain the unity which has existed since the introduction of the Richards Constitution, and we can assure the Western delegates that when the new constitution comes into operation it will be found that the happy co-operation that has already existed all these years will continue to exist between the three Regions of the country.

**The First Lagos Member (Dr the Hon. I. Olorun-Nimbe):**

Your Excellency, we from Lagos, the Elected Members for Lagos, are submitting the following minority report:—

- (1) We do not agree that there should be one House in the Central Legislature if the representation of the Northern Region should be equal to those of the Eastern and Western Regions put together. We are of the opinion that, consistent with the universal practice of federalism, bi-cameral legislation is the main safeguard against what Professor Ware has called the "tyranny of the majority".
- (2) We do not agree that the representation of the special interests, who are invariably Europeans, should be increased from three to six. We are of the opinion that this tantamounts to the creation of a privileged class and that the principle of this kind of representation is not only fundamentally wrong and unsound but also indefensible.

**The Member for the Colony (The Rev. & Hon. T. A. J. Ogunbiyi, O.B.E.):**

Your Excellency, as a representative of the Colony Division, I rise to say that I support the motion before the House brought by the Chief Secretary.

**The Hon. the Chief Secretary to the Government:**

Your Excellency, I should like to speak very briefly, if I may, at the conclusion of this debate. I have been a member of this House for three years and I have often had reason to be proud of my association with the Unofficial Members of this House. I have sat with them at Kaduna, at Ibadan and at Enugu, as well as in Lagos, and I have in the past had occasion to pay tribute to them.



[C.S.G.]

[Motion]

I have never felt more proud of my association with them than I do today.

I should like to say one word about the attitude of the Honourable Members from the West. I do not claim to be an authority on Yoruba tradition or Yoruba methods, but I understand, Sir, that the Yoruba system is well based on democratic principle. I understand that it is not unusual, as the Honourable the Oni of Ife has pointed out, that when conferences take place in the Western Region representatives feel the necessity of reference back to their own people. That is certainly in accordance with good democratic principle. I can well understand, therefore, that when the Western Members came to this discussion, a decision having been previously made in their own Regional House that it should be recommended that there should be two Houses at the centre rather than one, and when it became apparent that the view of the majority of the Select Committee was in favour of one House at this stage, they felt that it would have been desirable, if possible, to refer back to their own people. But I believe, Sir, that they would be the first to agree that after what has in effect been two full years of discussion it is necessary to bring this matter to a conclusion without further delay. I believe that their very natural desire to refer back to their own people will not interfere with their loyal acceptance of the majority view which has been reported to this Council today.

I said, Sir, just now that I had often had occasion to be proud of my association with the Unofficial Members of this House. I fully subscribe to what the Honourable the First Member for the East has said. These questions should surely not be approached with talk of tyranny and domination and opposing Regional blocs, because that is not the spirit of this House, nor, in my confident opinion, will it be the spirit of the House which takes its place. We have had ample proof over the past three years that Honourable Members do not bring that spirit to their work in this House. I shall mention two examples, one an important one and one perhaps less important but nevertheless of some consequence. The first example I have referred to before but I make no apology for mentioning it again. I remember the occasion when I went up to Liverpool in 1948 (I went with my friend the Honourable Emir of Abuja) to meet the Nigerian delegates to the African Conference. As we travelled down to London together with those fourteen delegates from the North and the East and the West I learnt from them that throughout the voyage, when they might well have been excused for taking some relaxation, they had met day by day to discuss the matters which had to be dealt with at that important Conference. Members from the North, the East and the West had agreed on the line which they would take on every important issue, including such difficult and important matters as agricultural and educational policy, and they had decided that

[C.S.G.]

[Motion]

there would be one spokesman on each subject to speak for Nigeria as a whole. I well remember, for instance, the day when the Second Member for the North, spoke with appreciation and with pride as a Nigerian about the Local Government advance which was contemplated in the East. That was a fine example of the ability of Nigerians from all Regions to work together in harmony and co-operation.

**The Second Lagos Member (Dr the Hon. N. Azikiwe):**

On a point of order, Sir, it is not my intention at all to embarrass the Honourable Mover, but I was under the impression that the statements that the Honourable Gentleman is making seems to be to lead to the conclusion that it is wrong to dissent from the majority. If that is so.....

**His Excellency:**

I do not think this is a point of order.

**The Second Lagos Member (Dr the Hon. N. Azikiwe):**

Yes. If that is so I refer Your Excellency to Standing Rules No. 40 (8)—“ Any Member dissenting from the opinion of a majority of a Select Committee may put in a written statement of his reasons for such dissent, and such statement shall be appended to the report of the Committee.”

That is what the three Members for Lagos have done, and I don't think they have committed any offence.

**The Hon. the Chief Secretary to the Government:**

Looking back on what I have said, I can think of nothing which could possibly suggest that there is no right to dissent. I am merely stating from my own experience that there has been from all sides of this House a desire for co-operation and harmonious endeavour, and I don't think it could possibly be maintained that anything I have said in this debate could have been interpreted otherwise.

I go on to mention one incident of lesser importance which is nevertheless indicative, I believe, of the way our work will be conducted in this House in the future. I yesterday, in this Council, moved a Resolution from the Government benches. It was clear from the speeches made by Honourable Members from all sides of the House that the Resolution did not fully interpret the wishes of the House. It was not a question of one section of the House alone expressing a view for representatives of all Regions felt that a change in the Resolution should be made and I readily agreed on behalf of the Government that in those circumstances it was necessary to vary the motion to meet the wishes expressed from all quarters of this House. I myself do not believe that in this Council or in the future House of Representatives it will be a

[Hon. A. Ikoku]

[Motion]

surprise Honourable Members to realise it has taken all that time for no decision to be reached in what we might call categorical terms. It has been allowed here and there that teachers can join the Nigeria Union of Teachers, but it has not been stated as a right. Rather what has been allowed, we gather from all our correspondence, is the desire of Government to encourage and assist Trade Unions as such. That is good, and for that we are very grateful; personally I do not need reminding of what Government has done along that line, but what we are asking for is a categorical statement of the rights of teachers and every worker in this country to form associations and to bargain collectively. In 1944, to be more precise on the 1st November, 1944, the Nigeria Union of Teachers wrote a letter to the Sudan Interior Mission enquiring if an allegation to the effect that their teachers were denied the right to become members of the Nigeria Union of Teachers was correct? On the 16th of November of that year (1944) this Mission disclaimed responsibility as employees of the teachers, alleging that they were employed by the local church. They nevertheless emphasised that for reasons of finance they would much rather have the teachers keep out of Trade Unions. To quote from their letter they maintained that "their teachers were Christian workers first, and teachers second". This is no place to attack that ideology, but one would have liked to cross swords with the Heads of this Mission. How one could possibly be a Christian worker first and a teacher second is beyond the imagination of this Council.

On the 27th of February, the following year (1945) the Nigeria Union of Teachers wrote a friendly letter to the Sudan Interior Mission pointing out that freedom of association was a fundamental right of every citizen.

On the 10th of May the same year the Sudan Interior Mission wrote a letter merely reiterating that the teachers were employees of the local church.

On the 28th of that month, May, 1945, the Nigeria Union of Teachers wrote back wondering whether the Sudan Interior Mission were not the proprietors of the schools in question and recipients of grants-in-aid made in respect of those schools.

On the 18th of February, 1948, the Nigeria Union of Teachers, now in possession of a document purporting to be service conditions of teachers in this particular mission, sent it back to them enquiring if it were genuine, and if so, demanding that the offending clause—clause 12—should be cancelled, intimating in the same letter that, in the event of the document being genuine, and in the event of the Mission being unwilling to cancel clause 12, the Nigeria Union of Teachers would bring the matter to the attention of Government and to the attention of other authorities as they deemed fit.

[Hon. A. Ikoku]

[Motion]

On the 19th of March, 1948, the Nigeria Union of Teachers reported the position to Mr Ralph Morley, M.P. On the 2nd of April, 1948, the Nigeria Union of Teachers complained to the Chief Secretary to the Government against clause 12 of the Sudan Interior Mission's Service Agreement for Teachers, pointing out that this contravened Great Britain's undertaking to respect the provisions of the 1944 Philadelphia Conference of the International Labour Organisation concerning the Freedom of Association, and attaching copies of correspondence with the Sudan Interior Mission as exhibits.

On the 27th of April, 1948, the Nigeria Union of Teachers wrote again to Mr Ralph Morley, M.P., disclosing that in their letter dated the 12th March, 1948, the local church condemned the Service Agreement of the Mission as illegal, declaring that it was drawn up by the Mission themselves.

On the 3rd of June, 1948, Mr Morley, M.P., writing to the Nigeria Union of Teachers, attached copies of a question in Parliament on this matter. Mr Creech Jones replied that the matter was being investigated by the Government of Nigeria. Mr Lipson, M.P., in a Supplementary Question, wanted to know if the Sudan Interior Mission received grants from the State. Mr Creech Jones replied that he awaited a report from the Nigerian Government.

On the 7th June, 1948, the Nigeria Union of Teachers, writing to Mr Morley, M.P., revealed that the Sudan Interior Mission was in receipt of grants-in-aid for ninety-one primary schools and one Teacher Training Centre.

On the 20th of July, 1948, the Chief Secretary to the Government in Memorandum No. 27418/167 stated that "the Sudan Interior Mission was at fault in attempting to require its teachers to sign a contract containing a clause which would prevent them from joining the Nigeria Union of Teachers". He added that Government proposed "to inform the Mission that the inclusion of the offending clause in the teachers' contract is strongly deprecated by Government." It is understood, the paragraph went on, "that the Mission has already decided to omit the clause from all future contracts."

On the 24th August, 1948, Mr Morley, M.P., wrote to the Nigeria Union of Teachers, forwarding Mr Creech Jones' written reply from which the following is culled:—"I have now received the Government's report which confirms that this Mission (that is the Sudan Interior Mission) did include in their Teachers' Contracts, for 1948, a clause barring them from membership of the Nigeria Union of Teachers . . . ." "The Mission appears to have adopted a hostile attitude towards the Nigeria Union of Teachers from considerations of economy and discipline, and their action in including an anti-Union clause in the Teachers' Contract was, to say the least, most ill-advised. . . ." "The Mission is being informed that

[Hon. Abubakar Tafawa Balewa]

[Motion]

**The Second Member for the Northern Provinces (The Hon. Abubakar Tafawa Balewa):**

Your Excellency, I beg to second, and in doing so, to say that the Northern Teachers Association, though only recently born, suffered from some of the difficulties which the Honourable Mover pointed out.

**The Hon. the Commissioner of Labour:**

Sir, a few days ago when we were considering amendments to the Labour Code, I referred to the International Labour Organisation and to the benefits to be derived in Nigeria from the application of International Labour Conventions. The motion now before this Council in the form in which it stands contains an implication that some of these benefits are being withheld, presumably in consequence of official inertia or official disinclination or both, but the Honourable Member has left me with the impression that his complaint is really directed against a body which is neither official nor subject to those urges which produce commercial alacrity. There are two aspects of the matter and at the risk of being a little tedious I think it would be better to consider them both, and separately.

The first aspect is the formal or legal one. The resolution would require this House to call upon the Government to do something which it has no power to do, namely, to secure the ratification with respect to Nigeria of two International Labour Conventions. The fact affords an opportunity to explain the general position with respect to Nigeria regarding the International Labour Organisation and International Labour Conventions. The International Labour Organisation, Sir, is a voluntary association of sovereign States. Nigeria is therefore not able to be a member, but it is represented by the United Kingdom. When a Conference of the Organisation agrees upon a convention each member State is obliged to bring the terms of the convention to the notice of the authorities in its own territory who are responsible for that subject. If these authorities agree, the convention is ratified and any necessary changes in law and practice are made in order to give it effect. If the authorities do not agree then the convention is not ratified by that member State. This is the procedure as regards the application of conventions within the area of the member State itself. Article 35 of the Constitution of the Organisation, to which the Honourable Member refers in his motion, sets out the obligations regarding non-metropolitan territories such as Nigeria. The relevant part of this article reads as follows:—

“The members undertake that Conventions which they have ratified in accordance with the provisions of this Constitution shall be applied to the non-metropolitan territories for whose international relations they are responsible,

[Com. of Labour]

[Motion]

including any trust territories for which they are the administering authority, except when the subject matter of the Convention is within the self-governing powers of the territory or the Convention is inapplicable owing to the local conditions or subject to such modifications as may be necessary to adapt the Convention to local conditions."

The Honourable Member refers to two International Labour Conventions. The first is No. 87 of 1948, and concerns the freedom of association and the protection of the right to organise. As the Honourable Member has said, His Majesty's Government has ratified this, but has not yet made any declaration regarding its application to the British Dependencies. We understand the preparation of a draft declaration is in hand, but it cannot be formally issued because the consultation with the British colonial territories is not yet complete. The Nigerian Government has, however, informed the Secretary of State that we see no difficulty in the application of this convention to this country. This application to be complete will need some slight amendments to the Trade Unions Ordinance, and these are being worked out. The position is slightly different with regard to the other convention mentioned, No. 98, which concerns the application of the right to organise and to bargain collectively. Although His Majesty's Government has announced that it proposes to ratify this convention, the final formal step has not yet been taken. Nevertheless the Nigerian Government, as in the case of the other convention, has notified the Secretary of State that Convention No. 98 appears to be suitable for application in this country without modification. So it appears, Sir, that the Government, from the formal point of view, has done or is doing all that is possible within its power and competence with regard to the application of these two conventions in Nigeria.

The second aspect of the Motion is the practical one, and might be regarded simply as implying a question—"Are the workers of Nigeria or their trade unions at any present disadvantage as a result of His Majesty's Government's having not as yet ratified both these conventions and declared that their provisions may be applied to Nigeria." I submit, Sir, that the answer is "No". The earlier convention, as I have said, can and will be applied fully to this country. The other concerns the application of the principles contained in the first. The Honourable Member knows, I think all Honourable Members know, that this right, the right to organise and to bargain collectively, is well established in this country and is fully recognised by the Government. I can give the Honourable Member an unqualified assurance that the Government sincerely and whole-heartedly endorses the spirit and intention of the convention and will seek to ensure its observance through practice and, eventually, law. It could be suggested, Sir, to the Honourable

[Hon. A. Ikoku]

[Motion]

protection they intend that the article ratified should apply to, and I think the matter has been short circuited by our own Government taking the initiative that we should like to be included under that clause. I don't, however, agree with the Commissioner of Labour that from the practical aspect the workers of Nigeria are at no disadvantage—of course they are, if they were not what is the point of the motion? It has been made abundantly clear that the Teachers in the Sudan Interior Mission are definitely under a disadvantage. I don't want to be tedious on that point, but I do want to challenge the statement very strongly and firmly, and to say most conclusively that the workers are at a disadvantage, some of them at least, hence the motion before the House.

I will be quite willing, Your Excellency, to accept the amendment proposed by the Honourable the Chief Secretary in the belief, and in the hope that if we have to introduce legislation we will introduce legislation as quickly as possible. I should not like to time-table it for the Attorney-General, but the fact that we have waited patiently for some four or five years in the Nigeria Union of Teachers is an indication of our sense of responsibility, and I think we might pat ourselves on the back. Any further delay will be inclined to upset the younger members of the Union. Now that this matter has been aired in the Nigerian forum we should not be surprised if other Trade Unions in the country adopt an embarrassing attitude so that the Government would be well advised to introduce suitable legislation at the earliest possible opportunity.

**The Hon. the Chief Secretary to the Government :**

One point of explanation.—Legislation necessarily takes some time to prepare and introduce in the legislature, meanwhile executive action in the particular case mentioned by the Member will be energetically pursued.

*Motion adopted.*

**The Second Lagos Member (Dr the Hon. N. Azikiwe):**

Your Excellency, I rise to move the motion standing in my name, but before doing so, Sir, I wish to draw the attention of the House to two errors, one of commission and one of omission. In line 2 of the motion, there is a typographical error—"Commissioner" instead of "Commission", and in line 5 thereof, the word "Senior" before Superintendent of Police was omitted. I therefore beg leave of the House to amend the motion, which should read:—

" Be it resolved :

" That this Honourable House registers its approval of  
 " the findings of the Commission of Enquiry into  
 " the disorders in the Eastern Provinces of  
 " Nigeria, in November, 1949, on the rôle of Mr  
 " F. S. Philip, Senior Superintendent of Police,

[Dr the Hon. N. Azikiwe]

[Motion]

“ during the said disorders, and hereby requests the  
“ recall of Mr Philip to Nigeria for judicial trial ”.

In speaking to this Motion, Sir, I desire to make it quite clear that I have no personal animus against Mr Philip. As a matter of fact I don't even know him personally, and in a crowd I would not distinguish him from Adam. I also wish to say that I have no animosity against the Government as such, and naturally I have no intention to exploit an embarrassing position in which the Government has unfortunately been placed, due to the action of certain high officials. But twenty-one Miners were shot dead and thirty were wounded by shooting, at the order of a Senior Police Officer. One of the main duties of Senior Police Officers is the cultivation of a high sense of responsibility. This no doubt may be one of the factors which led Your Excellency to remove this Senior Police Officer from the Civil Service. Up until now I have yet to know whether the gentleman concerned by being dismissed from the Civil Service, had lost his pension rights, and whether mere dismissal was the only punishment alleged to have been meted to him. Again, I would like to know when his dismissal took effect, whether it was immediate or whether it was last month or even this month, or whether he is still on leave and his dismissal takes effect after his leave? In my opinion, Sir, mere dismissal is not a sufficient punishment to be meted to a responsible Senior Police Officer after evidence of his guilt has been established. Since I feel that the punishment meted on the face of the evidence adduced is out of proportion to the gravity of the offence, and in view of world wide re-action and repercussions in this country, I am of the opinion that silence on my part will not only be misunderstood, but might be misinterpreted to mean a “ blank cheque ” to the Government in approving the way its high officials had handled this particular aspect of this unfortunate episode in our history. In other words, Sir, I am moved by a sense of justice in presenting this motion to the House.

Mr Philip joined the Civil Service on the 20th of April, 1928, not as a Police Officer, but as an Agricultural Officer. He served in the Agricultural Department for two years. In 1930 he was seconded or transferred to the Police Department. His present salary is £1,050 plus £300 Expatriation Allowance.

The facts connected with shooting episode were presented in Colonial Paper No. 256 from which, with Your Excellency's permission, I desire to quote—particularly from paragraphs 116 to 119 in order to show this House what, in the opinion of the Fitzgerald Commission of Inquiry constituted, the rôle of Mr Philip during the Enugu tragedy. I am reading from the Report, Sir:—

116. At this point we deem it desirable to make some preliminary observations. Sitting as we are now in the security of these surroundings (that is in London, Sir) many months after



*[Dr the Hon. N. Azikiwe]**[Motion]*

the country to carry matchets. What is significant is this, that that crowd was assembled there for some hours and yet there appears to have been no attempt whatever to use any force against the Police. Not one policeman was injured, not one missile was thrown at them. At the lower ground level near the magazine door there were three policemen completely cut off; there were others on top of the magazine who were also at the mercy of overwhelmingly superior numbers. It is true that there is some evidence that they were struggling, but if the crowd were bent on using force against the Police nothing could have saved those policemen from grave injury, whereas in fact they were not injured at all. Yet this was one of the main contributory factors which decided Mr Philip to open fire. We feel bound to state that the report made by the Police to the Chief Commissioner and later published, that the Police were attacked by a lot of armed miners was not substantiated by the evidence. That the crowd was noisy and screaming and getting worked up we have no doubt; and the attitude of a screaming crowd can indeed be terrifying. We wish to interpolate here that we reject entirely the evidence given as to the peaceful attitude of the crowd by two members of the police post at Iva Valley. These men were permanently stationed at the mine and did not constitute part of Mr Philip's force but alleged that they were present as onlookers. Their many contradictions and their attitude in the witness box made it quite clear to us that their story was concocted and that they had been drilled as to what to say.

**The Hon. the Acting Attorney-General:**

On a point of order, Sir, the Honourable Member is reading paragraphs from a document, and he appears to be skipping part of a paragraph. I suggest that in fairness the Honourable Member might read the whole of the paragraph so that this Council will have a true picture and not just those passages which suit his particular case.

**The Second Lagos Member (Dr the Hon. N. Azikiwe):**

I have no objection, Sir; in fact I corrected myself before the Honourable Member stood up.

119. One factor which in our opinion must be stressed is that the force under Mr Philip was not a military force. They were policemen, who should have been acquainted with the habits of the populace. Mr Philip was presumably also well acquainted with the character of the people in that region, and we cannot but conclude that as a policeman he lost his touch. A study of every aspect of the evidence forces us to this conclusion: that Mr Philip has failed to satisfy us that he could not have removed those 35 or so men to the other side of

[Dr the Hon. N. Azikiwe]

[Motion]

the bridge without resorting to the extreme measures which he took, bearing in mind that they were strong trained policemen, armed with rifles, and were backed immediately behind by a force of some 75 further riflemen, drawn up in a position completely to command the situation. We think he could at least have waited till a definite physical act of obstruction to those Police had been made. In a word, our decision is that he made an error of judgment. He acted in all honesty, but he fell short of that standard that might be expected from one of his rank and seniority.

120. Attempts were made to lead us to believe that the shooting was prearranged with the object of teaching the miners a lesson. In support of this it was alleged that the hospitals were cleared in order to receive casualties. Allegations were also made that shots were fired by policemen stationed at the entrance to the mine to indicate that Mr Rawson and Mr Moran, the European mine officers, were out of the way and that it was time for the shooting to start. There was overwhelming proof that these stories were pure fabrications on the part of evil persons. For example, the evidence of Dr Savage and Mr Oteh (Nursing Superintendent) leads to the irresistible conclusion that Mr Onyekwelu (Nurse under training) deliberately gave false testimony about the clearing of the hospital. That the shooting was prearranged was an infamous suggestion to make for there was not a vestige of evidence to support it, a fact which could have been discovered by anyone who made even a cursory examination of such evidence as was available at any time.

Those are the material points in so far as the rôle of Mr Philip is concerned. To refresh the memory of the Honourable Members I will summarise the conclusions drawn from the evidence upon which the Commission came to that conclusion:—

- (1) Mr Philip did not appear to have control over his men.
- (2) He misjudged the attitude of the Miners thinking they wanted to prevent the Police from removing the explosives.
- (3) He believed wrongly that the Miners were assembled in order to create disorder.
- (4) The report that the Police had been attacked by armed Miners was false.
- (5) He abused his authority by assuming that the Police was a military force.

What was the re-action of Your Excellency to this particular aspect of the Report? I have here Colonial Paper No. 257, and in paragraph 12 therein, Your Excellency, in a despatch to the Secretary of State for the Colonies, said *inter alia*:—

[Dr the Hon. N. Azikiwe]

[Motion]

other principal parties concerned. If this were done and Mr Philip is acquitted of any criminal guilt, I would be among the first to shake his hand and congratulate him; but at present I feel that the action of the executive, though well-intentioned, is not sufficient punishment to suit the degree of the offence as shown in the Report which was laid on the table of this Honourable House last Tuesday.

Sir, I beg to move.

**The First Lagos Member (Dr the Hon. I. Olorun-Nimbe):**

Sir, I beg to second.

**The Member for the Colony (The Rev. & Hon. T. A. J. Ogunbiyi, O.B.E.):**

Your Excellency, I must first of all thank you for your patience in listening to all these things. I should like to know how came the mover of this motion to think that this is the channel through which Mr Philip could be brought back, and then again I should like to know the decision of the National Emergency Committee or whatever it is called. After that decision whether they have forwarded any cable or petition to the Secretary of State. If so what was the reply received and why have they come back to us here—if not we leave the issue to you.

**The First Member for the Eastern Provinces (The Hon. C. D. Onyeama):**

Your Excellency, in rising to speak to this motion I have one difficulty. I have given this matter considerable thought because it was a matter which was raised in a Divisional Meeting in the Udi Division which I attended. Now the difficulty which I have is to know exactly on what charge Mr Philip should be arraigned before the Court. The Honourable Mover of the motion has stated that he accepts the findings of the Commission on the role played by Mr Philip. If that is so, then he will certainly accept the finding of the Commission that Mr Philip acted in all honesty. Now I cannot be emotional on this matter Your Excellency, because when it comes to trial in Court the Judge who will try the case will almost invariably be a man of stone, and nothing will deflect him from the strict path of justice according to law. I could very well now make a speech which might win the approval of very many people in this country, but if it does not result in any suggestion—any concrete suggestion of a remedy, I would only derive personal satisfaction from the speech. Now the statements made by the Commission against Mr Philip are as follows:—

In the first place as a Policeman he had lost his touch.

In the second place that he did not satisfy the Commission that he could not get all his men across the bridge without danger to them.

In the third place he was guilty of an error of judgment.

[Hon. C. D. Onyeama]

[Motion]

In the fourth place he fell short of the standard required of one of his seniority and rank, and finally he did not appear to have control over his men.

I do not think any of these findings can result in any criminal offence under our Criminal Code. There can be no charge of murder if you accept that a man acted in all honesty, but was guilty of an error of judgment. I doubt if in the present circumstances there can be a charge of man-slaughter. The paper quoted by my friend suggested reckless negligence, and in fact did not accept the findings of the Commission. I don't know whether he proposes to stand by the statement of facts in that paper, or whether he proposes to stand by the findings of the Commission. If he proposes to stand by the findings of the Commission there is no suggestion of reckless negligence. The only difficulty I have is that I cannot see on what charge Mr Philip should be brought back to Nigeria for trial. I certainly agree that Mr Philip should suffer more punishment than mere dismissal. I was in the Commission of Enquiry—I heard the evidence, and certainly I did not agree myself with the findings of the Commission. I take it that the Honourable Mover of the Motion agrees with the findings of the Commission; I don't. I think that the Commission was unduly kind to Mr Philip because before I went to the Commission I was under a certain impression. I believed that the police were menaced and that they were in fact attacked. I was under the impression that it was the thin khaki line giving way before the Workers armed with pick-axe and shovels, but when I heard the evidence—and I personally put certain questions to some of the Police on the spot—I was left with only one conclusion—that these Workers were about 20 feet from the Police; that they had not crossed the railway line; that they were fired upon and there was no indication that the crowd ever intended to attack the Police. To that extent Sir, I would agree that Mr Philip is deserving of punishment, but if my friend accepts the findings of the Commission, the only legal conclusion to be drawn is that no offence could be proved beyond mere neglect of duty. But if you agree with me that the findings of the Commission are unacceptable then different considerations arise. But I am unable to support the mover because he accepts that the findings of the Commission are all right. I have referred to a meeting which I attended and it might be in place Sir to indicate what happened at that meeting because it has a direct bearing on this matter. Reports appearing in the papers of that meeting gave one the impression that the meeting ended in chaos, so I expect that these papers who published that, will deny what I will now say, because if the meeting ended in chaos no decision could possibly be arrived at, but I say that at that meeting the Native Authority to which I belong were very concerned about the question of Mr Philip and they were all agreed that Mr Philip should be brought back for trial—they did not accept the findings of the Commission on the facts. Now they were also equally agreed that they had the fullest

[Ag. Att.-General]

[Motion]

Now I don't think that anyone would suggest, any reasonable person would suggest, that a prosecution of anyone could possibly be founded on such evidence as that referred to in paragraph 120 of the Fitzgerald Report. If that evidence is rejected, and on any reasonable view it must clearly be, what are we left with? We are left with the other evidence laid before the Commission which led the Commission—and I might remind this Council that that Commission consisted of an ex-Chief Justice of Palestine, a Judge of the Supreme Court of the Gold Coast, a Judge of the Supreme Court of Nigeria, and a Member of Parliament who is a Solicitor, and also Legal Adviser to the National Union of Mine-Workers—the rest of the evidence put before them led them to the conclusion that Mr Philip made an error of judgment and that he did so in all honesty, and I agree fully with the Honourable and Learned the First Member for the Eastern Provinces that that finding is no basis whatsoever for the initiation of criminal proceedings.

These shortly are the reasons which in fact led me to the conclusion that criminal proceedings should not be taken against Mr Philip. I therefore invite this Council to take the view that this matter—the matter of the prosecution of Mr Philip—has been properly considered by the appropriate authority, and to reject this motion.

There has been some question about other punishment short of criminal proceedings, and as I am replying to this Motion on behalf of the Government I think I might refer to what has happened to Mr Philip. As Honourable Members are doubtless aware, it was announced by the Government after the publication of the Fitzgerald Report, that Mr Philip would not in any event return to Nigeria. In point of fact before the Report was issued in June, Mr Philip had proceeded on leave. He proceeded on leave in January, and following medical examination by the Colonial Office Physician, it appeared doubtful whether he would be fit for further Colonial Service. A further medical examination has now taken place and it has been revealed that he is not fit for further Colonial Service. He will, accordingly be retired on medical grounds.

It has been suggested that at least he should have been dismissed the Service. Now this Council may or may not know that when a member of His Majesty's Colonial Service has to be dealt with by way of disciplinary action, proceedings have to be brought in accordance with Colonial Regulations, and the proceedings for dismissal take the form of an inquiry before which charges have to be framed and charges have to be proved. In considering whether such proceedings should be taken, in my opinion the same considerations apply as apply to the question whether criminal proceedings should be taken, and it is my considered view that having regard to the findings of the Fitzgerald Commission it is not possible to proceed against Mr Philip by way of disciplinary charges under Colonial Regulations, and for this reason. The conclusion of the Fitzgerald Commission, if I may refer to it again, is:—

[Ag. Att.-General]

[Motion]

“ In a word, our decision is that he made an error of judgment. He acted in all honesty, but he fell short of that standard that might be expected from one of his rank and seniority.”

In my view, you cannot charge a person with misconduct alleging an error of judgment made in all honesty.

**The Fifth Member for the Eastern Provinces (The Hon. Nyong Essien):**

I feel that I have to contribute to this motion in view of the fact that I am a human being, an African, and a Nigerian in particular. It is a primary duty of Government to protect life and property. It is indisputable that the most valuable property a man has is his own life.

This motion, Sir, is a most unique motion, and in order to prove to Nigerians that this Government exists to protect life and property this Government should go further in investigating the cause whereby twenty-one souls in Nigeria lost their lives. That is the first fruit of Trusteeship. If the findings of the Commission of Enquiry are vague, it is the duty of this Government to go further than that vagueness.

The Honourable Mover of the motion said that if only Government could effect the bringing here of Mr Philip to face his trial and he be acquitted, the right hand of fellowship and of a righteous-and-just-manship would be extended to him. I speak as a Nigerian. We must find a way of letting justice run its direct course in this matter of destruction of human lives, so that Nigerians may know that Government has done the duty which is most primary to it, and by which Britain stands to prove the true meaning of her Trusteeship in Nigeria.

Sir, I have witnessed in this House motion after motion being amended to suit certain circumstances and purposes. The Honourable the First Member for the East has suggested an amendment, and if the Honourable Mover finds it fit to amend the motion in order to produce the desired effect, that will be justifiable. But for Government to say, Sir, that the matter has been investigated and that there is no charge to bring against Mr Philip; that Mr Philip has resigned or retired and is not found fit on medical grounds to come back to Nigeria, especially at a crisis of this nature. Such excuses, Sir, I do not understand! I am a member of this Government and I do not blame it. Whatever Government does, I am one of those who assist the Government. But I do feel as a Nigerian that Government should do something to the satisfaction of universal and supreme justice. I cannot suppress my feelings, nor can any true Nigerian suppress his feelings when he hears that this is not a suitable motion for this House at this most serious, unique and critical moment. I am subject to correction. Being not a lawyer I do not know technicalities of law, but as a lay man I do

[Hon. N. Essien]

[Motion]

know that when human life is destroyed illegally, justice sets in operation the law of Moses—an eye for an eye. There is no reason why Mr Philip should come and massacre a whole lot of Nigerians and run away and retire. We do not want him to serve in Nigeria, but let him come and stand his trial. If British Justice acquits him, I will congratulate and worship him as a hero!

**The Hon. the Acting Attorney-General:**

The Honourable Member has used the word "massacre". This is a most unfortunate expression to use. It prejudices any possible charge which might be brought against Mr Philip. I would suggest that this expression be withdrawn.

**The Fifth Member for the Eastern Provinces (The Hon. Nyong Essien):**

Your Excellency, I have already mentioned that I am not a lawyer and that I am here as a lay man. I speak according to the fulness of my heart. I am sorry if there be any error.

**The Third Lagos Member (The Hon. Adeleke Adedoyin):**

Your Excellency, there are a few things in this motion that make one wonder whether to support or oppose it. The first is the attitude of the people from Enugu themselves, as told us by the First Member for the Eastern Provinces. The second is the findings of the Commission of Enquiry, especially in regard to those words that Mr Philip "acted in all honesty". This type of honesty, Your Excellency, I think is very much reprehensible. We are now reminded of so many deaths of this nature in Nigeria, deaths which occurred during the Opofo Rising, the general disaster at Odebo and the Aba riots and now this Enugu shooting incident. In all these incidents, people have been killed in such a way that hearts of everybody in Nigeria got wounded. But in my humble opinion, for the simple reason that the Commission of Enquiry made up its mind one way or the other, does not mean that Mr Philip should not come to face trial in Nigeria, if the machinery were set in motion to investigate his role in the matter of the Enugu Shooting incident. There might be certain facts that did not come to light at the time the Commission was making its enquiry. I should have thought that Government would say "Oh yes, we have the report of the Commission of Enquiry and we are going to deal with the culprits according to law." But who are the culprits? Nobody!

I was all the time expecting that the Commission which was instituted by His Excellency the Governor immediately after the incident took place would point out the culprits and we would have thereby seen to it that something be done to them, and that would teach some irresponsible people that they should act more reasonably in future. Unfortunately it all went up and came down and exploded into nothingness. As it is at the moment no one was found guilty, but the people that are dead are gone for ever.

[Hon. Adeleke Adedoyin]

[Motion].

I am wondering whether this would not be an incentive to others in the years to come to do the same thing, knowing that they can just get away with it. I remember at Enugu last March, on the 9th March, 1950, I referred to this incident, and my speech has been reported on page 342 of Volume 2 of the Council Debate (4th Session) and with the permission of Your Excellency I will read it:—

“ The Enugu shooting incident was also referred to by Your Excellency. It was a very unfortunate incident indeed and we all deplored it, but as the whole matter is *sub judice* in the hands of the Commission of Inquiry I shall not say much about it, but I would say, Sir, that when the report of the Commission of Inquiry is released, whoever is responsible for the terrible incident must be punished according to the law ”.

So the present motion is on all fours with this suggestion of mine, and that is why I whole-heartedly support it.

**His Excellency :**

If no other member wishes to address the House, the Honourable Mover may have something to say in reply.

**The Second Lagos Member (Dr the Hon. N. Azikiwe) :**

Your Excellency, in rising to reply to the points raised by the speakers who are opposed to this motion, I wish to say that I have been left in a state of disappointment because most of them seem to doubt the ability of the judiciary to determine guilt or innocence.

In proposing this motion I did not at any time suggest that Mr Philip was either guilty or innocent. We have an institution of the State—the Judiciary—to determine either. I think that those who had argued from a purely legal point of view were attempting to clothe the action of the Executive in legal verbiage. Why not expose the action of the Executive to the scrutiny of the Judiciary, for the latter is an institution which we know as an impartial interpreter of the law.

When the Honourable the Attorney-General rises to tell this House that, a man who had served this country since 1928 suddenly became ill after he had committed an act whose repercussions were not only world-wide but which had dragged the name of this country into the sanctuary of the United Nations; and that man, he alleges, had suddenly become ill and it was decided that he should be retired from the Civil Service, and paid money contributed by the tax-payers of this country, are we expected to swallow that story hook, line and sinker? No Sir, I will not accept this explanation. Although he is entitled to make it, yet I feel that it begs the issue.

The Honourable Member for the Colony has questioned the timing of this motion. I can assure my Honourable and



1870

Received of the Treasurer of the State of New York the sum of \$1000.00 for the year 1870.

This receipt is given in full for the amount of the above sum.

Witness my hand and seal of office at Albany, New York, this 1st day of January, 1870.

John T. Hoffman, Treasurer of the State of New York.

Received of the Treasurer of the State of New York the sum of \$1000.00 for the year 1870.

This receipt is given in full for the amount of the above sum.

Witness my hand and seal of office at Albany, New York, this 1st day of January, 1870.

John T. Hoffman, Treasurer of the State of New York.

**INDEX TO LEGISLATIVE COUNCIL DEBATES**  
**FOURTH SESSION**

12th to 16th September, 1950

EXPLANATION OF ARRANGEMENT AND ABBREVIATIONS

Bills : Read first, second or third time = 1R. 2R. 3R.

Com. S. = Committee Stage  
LegCo. = Legislative Council  
S. Com. = Select Committee  
W.A. = West African  
L.T.C. = Lagos Town Council

Subjects discussed are entered under their headings as well as under Members' names.

**ADEDOYIN, ADELEKE**

*Page*

Petition presented to Council on behalf of Mr P. Uyanwa, ex-Railway officer	7	12
Petition presented to Council on behalf of Mr J. B. Shogbola, ex-L.T.C. officer	9	
Native Authority Ordinance, Com. S.	71	72 73
Labour Code Ordinance, Com. S.	90	
Nigeria Coal Corporation Ordinance, 2R	95	
Income Tax Ordinance, Com. S.	99	100 101
Motion : Privileges of Members of the Legislative Council	123	124-8
Motion : Creation of a Nigerian Army, Navy and Air Force as part of the fighting forces of the Crown	130-1	
Motion : Civil Service discipline	166	173
Motion : Report of the S. Com. of the Legislative Council on the composition of the Central Legislature	191	
Motion : Commission of Enquiry into the disorders in the Eastern Provinces of Nigeria in November, 1949	222-223	
Criminal Code (Amendment No. 2) Ordinance, 2R	231-232	
<b>ADJOURNMENT</b>	<b>53</b>	<b>83 105 128 151 185 227 235</b>
<b>AGRICULTURAL ORDINANCE, 1R ; 2R ; COM. S. ; 3R</b>		<b>39-40 83</b>
<b>ALIENS (DEPORTATION) ORDINANCE, 1R ; 2R ; COM. S. ; 3R</b>		<b>36-7 75</b>
<b>ANNOUNCEMENTS</b>		<b>53 150-1 227</b>

**ATTORNEY-GENERAL**

Motion : Review of the Constitution	27	
Aliens (Deportation) Ordinance, 1R ; 2R ; Com. S. ; 3R	36-7	75
Prisons Ordinance, 1R ; 2R ; Com. S. ; 3R	40	83 84
Criminal Code (Amendment No. 2) Ordinance, deferment of, 1R ; 2R ; Com. S. ; 3R	42	183-4 230 232 233 234
Labour Code Ordinance, 1R ; 2R ; 3R	42-43	85 92
Consular Conventions Ordinance, 1R ; 2R ; Com. S. ; 3R	44-5	92-93
Income Tax Ordinance, 1R ; 2R ; Com. S.	50	96 99 101 102
Customs (Amendment) Ordinance, 1R ; 2R	51	102
Native Lands Acquisition Ordinance, 1R ; 2R ; Com. S. ; 3R	51	103-4
Native Authority Ordinance, Com. S.	71	72
Motion : Person in custody awaiting trial	116-7	
Motion : Importation of intoxicating liquor other than native liquor into certain areas of Nigeria and Cameroons under the United Kingdom Trusteeship	137-8	
Motion : Civil Service discipline	164	
Motion : Report of the S. Com. of the Legislative Council on the composition of the Central Legislature	191	
Motion : Commission of Enquiry into the disorders in the Eastern Provinces of Nigeria in November, 1949	212	215 218-221 222
Evidence Ordinance, leave for suspension of Standing Rules and Orders ; 1R ; 2R ; Com. S. ; 3R	234	235
Papers Laid : Certificate of Formality and Urgency in respect of Evidence Ordinance	234	

**AZIKIWE, DR NNAMDI**

Petition presented to Council on behalf of Mr J. B. Shogbola, ex-L.T.C. officer	9	
Notice of Motion : Findings of Commission of Enquiry into the disorders in the Eastern Provinces of Nigeria in November, 1949	57	155
Resolution : Customs (Amendment of Import Duties)	67	
Labour Code Ordinance, 2R	85	
Consular Conventions Ordinance, 2R	93	
Income Tax Ordinance, Com. S.	97	98 100
Native Lands Acquisition Ordinance, 2R ; Com. S.	103	104

	<i>Page</i>	
Motion : Birth registration in Nigeria .. .. .	149 150	
Motion : Civil Service discipline .. .. .	171	
Motion : Statement of the Conclusion of Government on the report of the Commission on Private Practice by Government Doctors .. .. .	182-3	
Motion : Report of the S. Com. of the Legislative Council on the composition of the Central Legislature .. .. .	195	
Motion : Commission of Enquiry into the disorders in the Eastern Provinces of Nigeria in November, 1949 .. .. .	216	
<b>ONI OF IFE</b>		
Native Authority Ordinance, Com. S. .. .. .	72 73	
Labour Code Ordinance, Com. S. .. .. .	90	
Income Tax Ordinance, Com. S. .. .. .	100	
Motion : Creation of a Nigerian Army, Navy and Air Force as part of the fighting forces of the Crown .. .. .	131	
Motion : Report of the S. Com. of the Legislative Council on the composition of the Central Legislature .. .. .	191-2	
<b>ONYEAMA, C. D.</b>		
Petition presented to the Council on behalf of Mr Patrick Uyanwa, ex-Railway officer .. .. .	3	
Statement on petitions presented to Council on Civil Service discipline ..	4 5 6 11	
Native Authority Ordinance, Com. S. .. .. .	70 71 72 73	
Produce Inspection Ordinance, Com. S. .. .. .	79 81 82	
Labour Code Ordinance, 2R ; Com. S. .. .. .	88 90 91	
Nigeria Coal Corporation Ordinance, 2R .. .. .	95	
Income Tax Ordinance, Com. S. .. .. .	98 99 101	
Motion : Solitary confinement of prisoners .. .. .	109-110 112	
Motion : Person in custody awaiting trial .. .. .	113-4 117 118	
Motion : Creation of a Nigerian Army, Navy and Air Force as part of the fighting forces of the Crown .. .. .	128-130 136 174 198-199	
Motion : Importation of intoxicating liquor other than native liquor into certain areas of Nigeria and the Cameroons under the United Kingdom Trusteeship .. .. .	136-7 145	
Motion : Nationalisation of Mines and minerals—withdrawal of .. .. .	146	
Motion : Birth registration in Nigeria .. .. .	149 150	
Motion : Civil Service discipline .. .. .	166-7	
Motion : Report of the S. Com. of the LegCo. on the composition of the Central Legislature .. .. .	192-193	
Motion : Commission of Enquiry into the disorders in the Eastern Provinces of Nigeria in November, 1949 .. .. .	216-218	
Criminal Code (Amendment No. 2) Ordinance, 2R .. .. .	230-231 232	
Evidence Ordinance—leave for suspension of Standing Rules and Orders in respect of .. .. .	234	
<b>PAPERS LAID</b> .. .. .	12-15 57 189 234	
<b>PETITIONS</b> .. .. .	3-12 27-28	
<b>PRAYERS</b> .. .. .	3 57 109 155 189	
<b>PRISONS ORDINANCE, 1R ; 2R ; COM. S. ; 3R</b> .. .. .	40 83-4	
<b>PRODUCE INSPECTION ORDINANCE, 1R ; 2R ; COM. S. ; 3R</b> ..	37-9 75-83	
<b>QUESTIONS AND ANSWERS</b> .. .. .	15-25 58-63 155-160	
<b>RESOLUTIONS</b> .. .. .	63-7	
<b>ROGERS, P. J.</b>		
Produce Inspection Ordinance, 2R ; Com. S. .. .. .	76-7 79 80 82	
<b>SENIOR RESIDENT, CALABAR PROVINCE</b>		
Eastern Region Local Government Ordinance, 1R ; 2R ; 3R .. .. .	52 105	
<b>SENIOR RESIDENT, KANO PROVINCE</b>		
Native Authority Ordinance, 2R .. .. .	68	
<b>SUPPLEMENTARY APPROPRIATION ORDINANCE, 1948-49, 1R ; 2R ; COM. S. ; 3R</b> .. .. .		52 105
<b>W.A. INSTITUTE OF TRYPANOSOMIASIS RESEARCH ORDINANCE, 1R ; 2R ; COM. S. ; 3R</b> .. .. .		43-4 92
<b>WORKMEN'S COMPENSATION ORDINANCE, 1R ; 2R ; COM. S. ; 3R</b>		40-42 84

1867/65